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AND

INTERNATIONAL LAW

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THE SOCIETY OF COMPARATIVE LEGISLATION

BY

SIR LYNDEN MACASSEY, K.B.E., K.C., LL.D.

AND

C. E. A. BEDWELL, Esq.

Let observation, with extensive view,
Survey mankind from China to Peru.
SAMUEL JOHNSON

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ANNUAL REPORT.

THE accounts for the year 1923 show that, in spite of the rigid economy by Governments at home and overseas, the importance of the work of the Society has been recognized by the continuance of the support accorded to it. For the year under review the subscriptions from the Government side of the Society's membership show a slight increase on the previous year. Individual subscriptions are steadily on the increase, and among the many new subscribers it is interesting to note the extended interest in Japan and China, as also in outlying parts of the British Empire. We also welcome practising lawyers, and note with gratification that more American libraries, which have always been so constant in their support, are still being added to the lengthening list. It is also of importance that mention should be made of the increasing interest that is taken by women in the work and aims of the Society.

The Honourable Societies of Gray's Inn, Lincoln's Inn and the Middle Temple, the Law Society and the Royal Colonial Institute continued their grants, and the Committee gratefully acknowledge and deeply appreciate the material benefit which is derived from this assistance. The item of £57, which comes under the heading of advertisements, is not as good as it appears at first sight, for it covers a period of two years, and the sum must be equally divided between them. Even after the division, however, this sum shows a marked improvement on previous years, and it is hoped to increase the income of the Society by this means. Another item which cannot be unnoticed is the outstanding figure of £111 12*s.* 3*d.* which has been realized by sales of back numbers, etc. This amount is in great part due to the desire of new subscribers to secure complete sets of the *Journal*, but casual sales have also made a remarkable contribution. Members who would be willing to place back numbers at the disposal of the Society are invited to communicate with the Hon. Secretary.

Side by side with an increase in income, we have also pleasure in recording a decrease in the cost of paper and printing, which has enabled the Honorary Editors slightly to increase the size of the *Journal*. It is hoped also to extend the *Review of Legislation* to countries which have not heretofore been included. This, however, is only made possible by the kind co-operation and valuable assistance rendered by contributors, to whom acknowledgment is made in Appendix II. On the other hand, the Society had to face a substantial increase in the rent of chambers, which took effect in the last quarter of the year.

During the course of the year the Society received many inquiries from members desirous of obtaining specialized information with regard to Dominion and Colonial laws and their working, and, in the absence

of any collated contents of the different legal libraries, the Society experienced much difficulty in giving the requisite information. The Committee took the view that a useful purpose would be served if there could be in the chambers of the Society a catalogue of all the text-books and reports relating to Dominion and Colonial law which are to be found in the legal libraries in London, and a start has already been made with its compilation.

The Committee regret to record the loss by death during the year under report from the Council of Sir H. Erle Richards, K.C.S.I., and Mr. S. Garrett, who was formerly President of the Law Society. They welcome the addition to the Executive Committee as well as to the Council of Messrs. Algernon Aspinall, C.M.G., Cecil T. Carr, LL.D., H. M. Cleminson and Sir Cecil Hurst, K.C.B., K.C.

ALBERT GRAY,
Chairman of the Executive Committee.

APPENDIX I

SOCIETY OF COMPARATIVE LEGISLATION

Dr. APPROXIMATE BALANCE SHEET AT DECEMBER 31, 1923. *Cr.*

	£	s.	d.		£	s.	d.	£	s.	d.
To *Subscriptions paid in advance*			25	14	2	By *Cash*:				
„ *Sundry Creditors, including publication of Journal, vol. v, pt. 14 (estimated)*			207	6	0	In hand	7	17	4	
„ *Balance, being excess of Assets over Liabilities at December 31, 1923*			593	4	2	At bank	489	18	9	497	16	1
						„ *Investment*: £200 5% War Loan 1929/47 Bearer Bonds (at cost)				190	0	0
						„ *Sundry Debtors, including Debtors for Sales of Journal* (estimated)				70	13	3
						„ *Subscriptions in arrear* (estimated)				67	15	0
	£826	4	4					£826	4	4

We have examined the above Statement with the Books and Vouchers, and certify that it agrees therewith. We have received all the information and explanations we have required and we have also verified the Bank Balance and Investment.

LONDON: 90, Cannon Street, E.C.4
July 18, 1924.

CASH, STONE & CO.,
Chartered Accountants.

SOCIETY OF COMPARATIVE LEGISLATION.

Dr. RECEIPTS AND PAYMENTS ACCOUNT FOR THE YEAR ENDED DECEMBER 31, 1923. *Cr.*

	£ s. d.	£ s. d.
To Subscriptions:		
Governments	264 12 6	
Non-Governments	430 11 0	695 3 6
„ Grants:		
Law Society	21 0 0	
Lincoln's Inn	21 0 0	
Middle Temple	21 0 0	
Gray's Inn	10 10 0	
Royal Colonial Institute	5 5 0	78 15 0
„ Sales of Journals, including Back Numbers and Reprints	111 12 3	
Less Purchase of Back Numbers and Reprints	1 17 6	109 14 9
„ Interest on War Loan		7 15 0
		891 8 3
„ Cash at January 1, 1923:		
In hand	8 0 8	
At bank	382 12 6	390 13 2
„ Subscriptions in arrear received during 1923		68 5 11
„ Subscriptions paid in advance		25 14 2
„ Proceeds of Advertisements for the years 1921 and 1922		57 2 5
		£1,433 3 11

	£ s. d.	£ s. d.
By Publication of Journal:		
Printing vol. iv, pt. 4	146 17 3	
Printing vol. v, pt. 1	161 8 6	
Printing vol. v, pt. 2	134 4 6	
Printing vol. v, pt. 3	112 12 6	
	555 2 9	
Add Paper for Journal	43 7 3	
Boards for Cover of Journal	11 16 3	610 6 3
„ Salaries:		
Clerk	196 16 8	
Assistant Editor	33 10 0	230 6 8
„ Rent of Chambers	76 3 0	
Less Rent Received	40 0 0	36 3 0
„ Lighting, Heating, and Cleaning of Offices		19 14 0
„ General Expenses, including Postages		25 3 0
„ Telephone		10 9 6
„ Stationery		3 5 5
		935 7 10
„ Cash at December 31, 1923:		
In hand	7 17 4	
At bank	489 18 9	497 16 1
		£1,433 3 11

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INTRODUCTION.

[*Contributed by* CECIL T. CARR, ESQ.]

THE laws of more than a hundred legislatures are reviewed in the summaries which these remarks are intended to introduce. The summaries relate to the year 1922, but in several instances there are supplementary accounts of earlier years to round off the record. The countries from which the information comes are not only those within the British Empire. There are valuable contributions from France and Chile as well as a vividly interesting survey of the federal and provincial legislation of the United States in the form of an abridgment from the Report of the Committee of the American Bar Association on Noteworthy Changes in Statute Law. There are still some gaps (the Irish Free State is, for example, a notable absentee) which it is hoped to fill in future years. A list of the authors of the summaries will be found on an earlier page, together with an acknowledgment of the gratitude of the Society for their voluntary labours. The Table of Contents and the Index will help the reader to find his way to topics which interest him specially. No further catalogue need be supplied here ; but an attempt may perhaps be made to distinguish certain tendencies in legislation and, as last year, to group together the laws on a few particular subjects for purposes of comparison.

Uniformity of Legislation.—The movement towards uniformity of laws is spreading in countries where central and provincial legislatures exist side by side. In the United States the labours of the National Conference of Commissioners on Uniform State Laws have not been in vain. As will be noted presently, the Union of South Africa is patiently bringing the pre-union laws of its constituent parts into conformity, and the several States of Australia find it convenient to agree even in so small a matter as the fixing of public holidays. The Uniformity of Laws Act of Northern Ireland is a sensible measure for assimilating the law of Northern Ireland and Great Britain and for saving parliamentary time.

Needless to say, it would be as rash to expect complete unity of legislative purpose everywhere as to assume that there is universal equality of legislative conditions. Geography, climate, and natural phenomena introduce diversity at the outset. There are prairie fires to extinguish in Alberta and British Columbia, and sand-drifts to be checked in Palestine. Politics and economics make their special demands. In India, as Sir Alexander Muddiman indicates, a newly created legislature is eagerly repealing measures which in time past have added supplementary safeguards to the ordinary criminal law. Elsewhere, in Northern Ireland—as also in the Irish Free State—a new legislature is seen multiplying those additional safeguards against possible disturbance of peace and good order. Countries will differ not only in the laws they make but also in their decision to make laws at all. Nigeria has legislated

for Boy Scouts, the Gold Coast for Girl Guides, and Quebec for the conditions of amateur and professional sport. Similar legislation might just as well have been propounded in Great Britain, but the British Parliament has its hands very full; moreover, a national conservativeness of tradition leaves matters like the governance of athletics to bodies of amateurs sitting in Marylebone, St. Andrews or elsewhere, and Parliament is not encouraged to encroach upon ground where semi-private organizations enjoy without abuse a security of tenure.

Tendencies of Legislation.—Three general tendencies may perhaps be noted. First, unless the recent experience of Great Britain is misleading, the feminine voter is making herself felt. As she exercises a more direct political influence, fresh progress is made (and not necessarily on party lines) by legislation affecting health and housing, marriage and the home, illegitimacy, adoption, guardianship, the welfare of children and the removal of obsolete restrictions on the ownership of property by women. In the second place, the level of industrial conditions is being lifted by the application of new international standards. These two tendencies may be expected to increase in importance and effect. The third, slow to diminish and disappear, is the influence of the Great War. All three are in some measure interlinked. The war accelerated many social movements ranging from women's suffrage to restrictions on alcohol, and the making of the peace gave a fillip to internationalism. National unity, once it was achieved for defence, was available also for domestic reform. The security of substantial parliamentary majorities brings opportunity to the legislator just as it brings comfort to the draftsman. A period of war can be one of feverish activity in law-making. In Great Britain, for example, the annual volumes of statutes from 1914 onwards are never slender, and the extent to which they were supplemented by delegated legislation is widely known. The Defence of the Realm regulations, swiftly and easily made, comprised not only emergency provisions necessary for the successful conduct of hostilities, but also pre-war proposals recommended by Royal Commissions or otherwise recognized as ripe for enactment which but for this opportunity might have had to wait many years before passing into law. Thus, in the legislation of 1922 we find not only the obvious aftermath of war—concessions to ex-soldiers, relief of widows and fatherless children, assistance to unemployed, Indemnity Acts and so on. There is also a core of useful permanent legislation extracted from the mass of temporary measures and already proved satisfactory by tentative experience. The laws made by Great Britain in 1922 relating to matters like the storage of celluloid film or the grading of milk had already been tried as war-time regulations, but might well have reached the statute-book in time in the normal way had there never been a war at all. The legislation of Great Britain illustrates also the effect of the economic consequences of the long struggle.

Improvement of the Statute-book.—Many countries made useful consolidations of their laws in 1922. Examples include education in New Brunswick, election law in Prince Edward Island, the welfare of children in Manitoba, public health and coroners' law in Quebec, and company law in Nigeria. South Africa, which has a peculiar problem in the consolidation and co-ordination of pre-union enactments, made further progress by dealing with the topics of death duties and co-operative societies and the intricate subject of weights and measures. Great Britain took no step forward either in the direction of consolidation or of

statute law revision. Alberta and Fiji are preparing to print volumes of revised statutes. The Chief Justice of Cyprus is authorized to compile a reprint of existing legislation and is given power to consolidate, omit repealed or obsolete matter, make grammatical corrections and amend titles. Great Britain, meanwhile, allows the latest edition of her revised statutes to be held up at the year 1900. Some critics of draftsmanship would call the immense Law of Property Act passed for England in 1922 a step backward. It was a monument of learning and it made momentous reforms, but it did not pretend to give a plain statement of the law for the future. It destroyed the ancient foundations of feudalism, but it left confusion. No fewer than seven large Bills are projected to reconstruct the edifice. Pending their preparation and passing, the change in the law must be postponed.[1] Of the general untidiness of the English statute-book Sir Mackenzie Chalmers has lately written a lively account.[2] The only tidying effected in 1922 was the overhauling of the Expiring Laws Continuance Act (p. 1), a process applied also in Northern Ireland (p. 21). In the mechanics of law-making the finest performance of the year is that of Victoria, where the skill and patience of Sir Leo Cussen have followed the big consolidation of 1915 with the Imperial Laws Application Act of 1922 (p. 87), the scheme of which will repay careful study. Something of the same sort might usefully be attempted for Northern Ireland; at present it is not easy to state with certainty which enactments of the Imperial Parliament can, and which cannot, be altered by the Parliament of Belfast. The Government of Northern Ireland has promptly undertaken the responsibility of making the contents of its laws accessible to its citizens. It has taken the excellent step of establishing a Statute Law Committee and of providing for a system of official indexing.

Constitutional Law.—Amongst the problems of federalism which have their recognition in the law-making of 1922, the amusing duel between the Commonwealth of Australia and the constituent States over the position of a member of a State Parliament who resigns his seat in order to contest a Commonwealth election seems to have ended with a victory for the Commonwealth (pp. 68, 81). Other points of election law are the power for members of the Queensland Legislative Assembly to vote by proxy if they are unable through ill-health to attend in person and if they cannot obtain a "pair" (p. 63), the provision for absent voters in certain of the United States of America (p. 205), the new disqualification in Tasmania of persons of unsound mind or in prison (p. 79), the direction that voting in Manitoba shall take place everywhere on the tenth day after nomination (p. 44), the alteration of electoral districts in Western Australia (p. 94), new arrangements (including the grouping of names of candidates) for ballot-papers at Commonwealth elections (p. 58), and the prompt restoration of direct voting in place of proportional representation in local government elections in Northern Ireland (p. 20). Mr. Bentwich describes the election system of Palestine, and gives us generally—as also does Mr. Matthews in the case of South-West Africa—a valuable idea of the government of a mandated territory.

Western Australia is turning its Attorney-General into a Minister of

[1] The seven Bills consolidate the law of conveyancing, land charges, trustees, land registration, settled land and administration of estates. The 1922 Act is to be postponed till January 1, 1926: a Bill for this purpose has passed the House of Lords, but is not yet law.

[2] "The English Statute-book," *Edinburgh Review*, April 1924.

Justice (p. 89). British Columbia provides for the conduct of Crown actions by an ex-Attorney-General who is a member of the Legislative Assembly but not a member of the Executive Council (p. 37). Victoria is reimbursing the expenses of members of her Legislative Council and of her Public Accounts Committee (p. 84). South Australia has raised the salaries of her Governor and judges (p. 66). Northern Ireland fixes the salaries of various State officials and creates her new Ministries; her Government has not quite so free a hand as that of the Irish Free State, since certain subjects are withheld from the legislative powers of the Belfast Parliament and since the Government of Ireland Act of 1920 (which now applies to Belfast but not to Dublin) saves the supreme authority of the Parliament of the United Kingdom. The limitations upon the legislative power of the new Maltese Parliament are explained by Dr. C. J. Colombos (p. 184); the first Maltese Act is a declaration of the national religion. A new feature of the British Solomon Islands constitution is the creation of an Advisory Council to make recommendations for improvement of internal administration (p. 108). Important measures for regulating the public service have been passed by the Commonwealth of Australia and by Tasmania (pp. 59, 79).

Public Health.—The campaign against particular diseases is illustrated by the Anti-malarial Ordinance in Palestine (p. 191), the effort to restrict leprosy in Fiji and Seychelles (pp. 107, 155), and the measures against miners' phthisis in Western Australia (p. 94). Palestine and the Anglo-Egyptian Sudan take up their responsibilities under international sanitary conventions by enacting quarantine laws (pp. 169, 191). The vexed question between lawyers and doctors as to secrecy in treatment of venereal disease (discussed in one of Lord Birkenhead's essays) is answered in Alberta by declaring that the doctor "shall not in any action or other civil legal proceeding be required to give any evidence touching matters which have come to his knowledge exclusively by reason of such employment" (p. 25). Mental deficiency is dealt with by South Australia in an Act which seeks to eliminate the private lunatic asylum and to make it possible for persons who fear the onset or recurrence of mental derangement to make arrangements for their treatment (p. 68), a plan which is said to have worked well in Victoria. Sierra Leone permits persons detained in lunatic asylums to be allowed out on trial (p. 161). Indian lunatic asylums have been renamed mental hospitals (p. 136). British Columbia provides for the establishment and maintenance (in part out of municipal funds) of a provincial home for incurables (p. 40). Fresh provision for the care of the sick is made by Alberta and Victoria (pp. 28, 85), for maternity welfare by Queensland (p. 64), for a Metropolitan Infectious Diseases Hospital in South Australia (p. 76), and for entry of houses by medical practitioners in British Columbia in order that the inmates may be examined and, if necessary, removed to the nearest public hospital (p. 34). Forfeited opium is made available for the use of hospitals and public institutions in Victoria (p. 80).

The most striking provisions in connexion with public health come from the United States, where, in the cause of eugenics, Nebraska and Montana are prepared to sterilize sufferers from insanity, epilepsy or venereal disease (pp. 202, 211).

Criminal Law and Punishment.—Equally striking is the provision made by California for punishing persons convicted of carnal abuse of girls under ten (p. 203). The prosecution of offenders charged with sexual

assaults upon children is assisted in England and New Zealand by measures removing certain defences previously permitted, though in each case allowance is made for the youth of the accused (pp. 9, 99). Capital punishment is abolished altogether in Queensland (p. 63), and is to some extent excluded in England by the creation of the new offence of infanticide (p. 9). Countries as far apart as Jersey, the Gold Coast and the British Solomon Islands have given attention to the remission of sentences. Hong-Kong, the Gold Coast and Nigeria are using police supervision as a means of preventing crime. In Palestine probation officers on the English model are introduced for the supervision of young offenders, and alternatives are provided to avoid imprisoning boys and girls (p. 193). For those who are interested in changes in particular branches of the criminal law, there is much significant material to be studied in the United States (p. 202). Tasmania has adopted a new definition of stealing (p. 80). Traffic in dangerous drugs is further restricted in several countries, and Jamaica makes special provision against the drugging of horses and other animals (p. 173). Mauritius takes fresh powers for suppressing sedition (p. 152) ; Fiji arms itself against civil commotion (p. 104) ; the Northern Ireland legislation for the maintenance of law and order (based on the Defence of the Realm and Restoration of Order in Ireland Regulations previously in force under imperial authority) has already been mentioned. Alberta and Victoria punish objectionable advertisements (pp. 33, 86). Connecticut will not allow a clock to display in public any other time than standard time (p. 204). The novel Anti-boycott Act passed by Burma (p. 144) shows the local legislature enlarging the confines of the Indian Penal Code. In criminal procedure new precautions are taken by Victoria against interference with juries (p. 82).

Commercial Law.—There is evidence both from Cyprus and from Palestine that Turkish company law is inadequate to modern conditions (pp. 183, 191). In Great Britain the net of taxation is drawn tighter to prevent super-tax evasion by small private companies (p. 6). British Columbia insists that the public shall be furnished with a copy of the prospectus and with other information on the offer of shares by a company not registered in the province ; she also requires company promoters to disclose the financial standing of their concerns, and she makes provision for the punishment of corporations on summary conviction (pp. 34, 36, 37). France has altered the law as to signatures and endorsements of bills of exchange (p. 195). Fiji limits the dangers of bogus promissory notes (p. 106). India protects bankers who in good faith receive payment for a customer of a crossed cheque if the title proves defective (p. 137). New Zealand deals with "received for shipment" bills of lading (p. 98). There are fresh provisions as to bills of sale in Alberta, New Zealand and the Solomon Islands (pp. 23, 101, 108), and as to woodman's lien, warehouseman's lien and mechanics' lien in Alberta and British Columbia (pp. 26, 35, 41). The last-named two countries have dealt with bulk sales, the former also with fraudulent or preferential transfers and the latter with conditional sales of goods and with creditors' relief, a creditor who attaches a debt being deemed to do so for the benefit of himself and all creditors (pp. 26–7, 33, 37). In Tasmania dealers in second-hand goods are obliged to keep all goods for three days after purchase or receipt before parting with them or altering their condition ; a police officer may extend the period by notice in writing (p. 78). The

chattels to be exempt from seizure under a landlord's warrant of distress in Manitoba are specified in remarkable detail. Among other items fifty volumes of books, one axe and one saw are privileged, and a chair, cup, saucer, plate, knife, fork and spoon must be left for each member of the family (p. 44). The Ottoman law relating to usurious loans has, like the Ottoman law of companies, been modified in Palestine (p. 194).

Labour.—Little legislation for the settlement of industrial disputes was passed in 1922. Some of the American States are inclined to prohibit picketing and restrict striking (p. 208). The standardization of industrial conditions continues. India has adopted the International Labour Conference standards (p. 135). Shop hours are regulated by the Transvaal (p. 133). Ontario insists that all employees in any hotel or restaurant shall have at least 24 consecutive hours rest in every 7 days, the rest hours to be if possible on Sunday (p. 49). Laundries are not to work on holidays in British Columbia, nor on other days except between 7 a.m. and 7 p.m. (p. 38). Alberta, which has created a Bureau of Labour to collect information and furnish statistics, directs that miners' wages shall be paid every Saturday. Fresh arrangements for public holidays are made by three countries ; Malta will commemorate her victory over the Turks in 1565 as a national holiday ; bank holidays have been fixed for Papua ; and South Australia has fallen into line with the resolution of the Premiers' Conference of 1918 in favour of uniformity of public holidays, it being found that diversity of dates in the different Australian States was bad for business and especially for shipping (p. 75). Another South Australian measure insists upon adequate sleeping and living accommodation for sheep-shearers. General laws relating to labour will also be found in the summaries relating to North Borneo (p. 155), where the migration of the young men from their villages requires safeguards, Hong-Kong (p. 149), where the employment of children is restricted, and the Solomon Islands (p. 108). Ceylon and Mauritius have repealed penal clauses affecting employers and employed (pp. 146, 152).

Social Reform. — The rather vague label of Social Reform might be fastened to many Acts mentioned elsewhere under Public Health, Criminal Law, Labour and the Position of Women. Apart from the Acts there mentioned there are others of interest. The progressive province of British Columbia, for example, made various laws for the care of neglected children, for the non-employment of women and children before and after child-birth, for mothers' pensions, for the adoption of illegitimate children (dispensing with the mother's consent when she cannot be traced), for the maintenance of the children of unnamed parents, for the legitimation of the child of parents who have married after its birth, and for the maintenance of dependent parents by their children (pp. 35–40). Neglected and delinquent children receive attention in Bengal (p. 140) and in Newfoundland (p. 55). The latter country is prepared to fine a parent if a child is found loitering alone in the street after 9 o'clock at night. The problem of the refractory child in public schools is faced by Manitoba, where a substantial consolidation and amendment of children's law has been made and a Director of Child Welfare created (pp. 41, 45). Part of the new law provides for the issuing of an affiliation order by a Court on the information of a pregnant unmarried woman who names the father. Corroboration of the woman's statement in such cases is required in Alberta (p. 33). New provision for the maintenance of deserted wives and children is made by Ontario (p. 49). Facilities for the

reciprocal enforcement of maintenance orders throughout the British Empire continue to be extended. In Papua machinery is devised for making a father maintain his half-caste child (p. 103). France has mitigated the rule by which persons between the age of 21 and 25 years who wish to marry are obliged to obtain their parents' consent. She has also removed a possible slur from the birth certificates of legitimized or illegitimate children (p. 197).

Position of Women.—The summary of American legislation (p. 201) shows several advances towards complete equality of the sexes. A curious provision is made by New Jersey for identifying the surname of women attorneys on their marriage. The capacity of married women to hold and dispose of property is made absolute in Alberta (p. 28), and is prospectively improved in England by Lord Birkenhead's Act (p. 13). Alberta, where a minimum wage for women can now be fixed, and New Brunswick are actively encouraging women's institutes (pp. 23, 30, 46). A woman can now be made a magistrate in Tasmania (p. 78) or a registrar of probate in Nova Scotia (p. 48). In British Columbia women are made liable for jury service unless they declare their unwillingness (p. 38). Divorce law reform made no progress in England during 1922, but Western Australia has improved upon the English scheme of judicial separation (p. 90), and there is interesting American legislation as to divorce in the Canal Zone and as to the naturalization of married women (p. 200).

Professional Regulation.—The regulation of professions, trades and vocations is a familiar topic for legislation. At its lowest it creates a system of licensing and registration which ensures identification, perhaps eliminates bad characters and possibly assists the revenue; domestic servants, for example, must be registered and licensed in the Gambia Colony and chauffeurs in Mauritius. At its highest it constitutes or recognizes a central professional authority exercising control of standards of conduct and technical qualifications. Thus Victoria has her Architects Registration Board and her Surveyors Board (pp. 82–3). Another element is the reciprocal recognition of qualifications, examples whereof include chemists in New Zealand (p. 99) and civil engineers in Canada (p. 51) and the acceptance of Indian medical diplomas in Fiji (p. 107). A country cannot allow its citizens' health to be ruined by quacks or their business affairs to be mismanaged by rogues. Nurses, midwives and masseurs are brought under a system of registration in various parts of the world (pp. 49, 50, 85, 144, 173, 178). Prince Edward Island supervises the practice of optometry (p. 50); British Columbia and Alberta deal with chiropractic (pp. 31, 39). The latter word is young enough to be unrecognized in *The New English Dictionary*, but Mr. John Hosie gives a list of the subjects in which the would-be chiropractor must be proficient, and these afford some guide to the nature of this new profession.

Auctioneers and commission agents in Queensland and real estate agents in Victoria have to lodge a fidelity bond representing a substantial sum before they are allowed to practise their vocation (pp. 63, 83). Victoria is also supervising land surveyors, and somewhat similar legislation occurs in British Columbia, the Gold Coast and Trinidad and Tobago (pp. 39, 157, 178). Produce merchants must be licensed in Alberta, and insurance agents in British Columbia and Ontario. The latter country, indeed, as Mr. Falconbridge observes, has paid special attention to professional registration; private detectives and professional engineers are amongst the practitioners concerned (p. 49).

The legal, like the medical, profession has always been highly organized in the interests both of the community and of itself. British Columbia seeks to eliminate the unqualified attorney. Palestine and Northern Ireland lay down the conditions on which advocates and solicitors will be admitted to practice. The barristers of New Brunswick are given power to organize a benevolent fund on English lines. It is hoped that legal education will benefit in England from the new provision under which every would-be solicitor is required to attend a recognized school of law.

Miscellaneous.—These sectional selections of laws on particular subjects might be multiplied if space or the reader's patience permitted. Transport would deserve a section to itself. There is the classification of roads in Alberta into main highways, market roads, local roads and colonization roads. There are tourists' roads in Victoria, roads in Adelaide to be constructed with bituminous concrete, municipal steel tracks to protect surfaces against heavy traffic in South Australia, and main highways in New Zealand maintained from the proceeds of Customs duties on motor-tyres ; there are jitny buses in New Brunswick and elsewhere, a problem of road dust in relation to health in Mauritius, a mechanically propelled vehicles duty in Jamaica and new rules of the road in Nova Scotia. There would be a section on taxation and finance, showing the various expedients for raising money to meet national expenditure—the public lottery in Malta, the spread of taxes on income and amusements, the tax on employers in the Transvaal, on bookmakers in the Cape of Good Hope or on betting (a source of possible revenue which Great Britain has been examining lately) in Ontario. Another section might deal with agriculture, the efforts to improve the breed of horses and cattle, or to exterminate the codling-moth in British Columbia, fire-blight in the New Zealand orchards, phylloxera in the South Australia vineyards, and other plant pests in Seychelles. There would be mention of the Australian schemes for "closer settlement," or for equipping with farms the graduates of agricultural colleges (pp. 72, 85), and a reference to the allotment system in the less spacious areas of England and Scotland.

There would still be an unclassified residuum of equal interest—anti-prohibition laws in America, statutory restriction of rubber output in the East, land law changes in England where primogeniture, manorial customs and tenancy in common are to disappear, town planning in Victoria, State literary competitions in Quebec or State insurance in South Australia. If, as the pages of these summaries are turned, the eye lights on some advanced problem of civilization like the taxation of national banks in the United States, it may also meet some reminder of more primitive administration in the punishment for sorcery in the Gilbert and Ellice Islands or the prohibition in the Tanganyika Territory of witchcraft with intent to cause death, disease or injury to communities, persons, animals or property. If, being human beings, we hold that nothing human is alien from us, if the proper study of mankind is man, then there can be few who will fail to find interest in some part of the vast panorama which these summaries unfold.

In Memoriam.

SIR COURTENAY PEREGRINE ILBERT, G.C.B., K.C.S.I., C.I.E.

JUST as this number of the Society's *Journal* is being published, there comes to us the grievous news of the death of Sir Courtenay Ilbert, who for so many years has been the beloved and devoted Chairman of the Society of Comparative Legislation. No opportunity, therefore, is available of including in this number more than a brief and utterly inadequate personal tribute to his memory. The debt which the Society has owed to him throughout the whole of its history, how largely its success in triumphing over early vicissitudes was due to his wise and expert guidance and unrivalled juristic experience—these remain to be told. He was the original founder, and his affection for it never weakened and his enthusiasm for its work never flagged up to the latest days of his long life. Even while illness added to the feebleness of his advancing years he would always find strength and interest to discuss with us the contents of the *Journal* and to impart advice and counsel of the greatest value and practical assistance. The world has lost a rare and lovable personality from which we, as the Editors of the *Journal*, continually drew strength and inspiration. The Society is bereft of a guiding hand that will long be missed. This *Journal* will mourn the loss of his gifted and cultured pen, that was always ready to place at the disposal of its readers, without stint, the fruit of his incomparable knowledge of comparative law and jurisprudence.

LYNDEN MACASSEY.
C. E. A. BEDWELL.

BRITISH EMPIRE.

1. BRITISH ISLES.

1. UNITED KINGDOM.

[*Contributed by* CECIL T. CARR, ESQ., LL.D., *Editor of Statutes Revised, Statutory Rules and Orders, etc.*]

BEFORE Parliament was dissolved in October 1922 it had passed sixty public general Acts. On reassembling in November with a Conservative Ministry in power, it passed five more. Two of these were of unusual constitutional significance, for they gave effect to the new plan for the government of Ireland to which British representatives had set their signature in December 1921, and which Parliament adopted in the following March. Ireland indeed dominates the legislation of 1922. After Ireland the revolution in the English law of property is, for lawyers at any rate, the outstanding legislative event. Apart from these topics the law-making of the year is characteristic of the post-war period. The country is still struggling back to the normal. Some temporary measures are found to be worth permanent adoption. High prices lead to the increase of various statutory charges. Optimistic reconstruction is checked by a demand for economy in national expenditure.

Improvement of the Statute Book.—Statute law revision was still postponed, and, for the first time for many years, no consolidating measure was passed. Bills for consolidating the English law of salmon and freshwater fisheries and the English and Scottish law of agricultural holdings, though they passed through the House of Lords, had to wait another year. Still the statute book benefited by one improvement in 1922. Ever since 1863 Expiring Laws Continuance Acts have been passed to carry on for a further limited period miscellaneous groups of Acts of a tentative or temporary kind. Where such Acts have been annually renewed without opposition there is a strong presumption in favour of making them permanent. The annual continuing measure, almost always introduced at the eleventh hour and by its technical form evading full discussion, had become a sort of parliamentary wheelbarrow into which all sorts of legislative oddments could be tossed unnoticed. The schedule to the 1921 Act, for instance, wholly or partly continues 46 statutes, not counting the statutes by which these are amended. On the advice of a Select Committee, whose report well repays study, the 1922 Act (c. 50), instead of automatically prolonging all these, makes 20 of them permanent, makes 5 repeals, and carries forward another 27 which Parliament seemed genuinely to have intended to be temporary.

Printing clauses (*i.e.* sections empowering the periodical reprinting

in one document of a principal Act as from time to time amended) occur in the Naval Discipline Act, where a clause of this type has been inserted since 1884, and in the British Nationality and Status of Aliens Act.

Ireland.—The constitutional changes in Ireland require historical introduction. Mr. Asquith's 1914 Act was suspended for the war and was superseded, without ever taking effect, by the Act of 1920. The latter contemplated a dual system of government under separate Parliaments for the north and the south, with a Council of Ireland supplying a measure of unity in the present and the hope of more in the future. Southern Ireland showing no disposition to work the 1920 Act, and no recourse being had to Crown Colony government under s. 72, British and Irish delegates concluded in December 1921 certain Articles of Agreement for a Treaty, under which a Parliament and Government of the Irish Free State were to be constituted, a Provisional Government being recognized in Southern Ireland in the interregnum.

To give these Articles of Agreement the force of law was one of the first legislative tasks of 1922. The Irish Free State (Agreement) Act (c. 4) was passed at the end of March. The Articles are scheduled to the Act, and power is taken to give effect to them by means of Orders in Council. The Act terminates the representation of Southern Ireland in the Imperial Parliament at Westminster. The first Article is as follows:

> Ireland shall have the same constitutional status in the Community of Nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa, with a Parliament having powers to make laws for the peace, order and good government of Ireland and an Executive responsible to that Parliament, and shall be styled and known as the Irish Free State.

Thus at this stage, on paper at any rate, the Irish Free State is Ireland and not merely Southern Ireland; the dualism contemplated by the 1920 Act is abandoned, and we have reverted to a unified system of government in Ireland. But, under Articles 11 and 12 (to be read with sub-s. 1 (5) of c. 4), the Free State's powers over Northern Ireland are suspended until a month after the ratifying Act of Parliament—that is to say, the Act passed later in the year to ratify the Free State Constitution. Till that month expires Northern Ireland can exercise an option to vote herself out of the scheme by address to his Majesty. In the sequel the option was exercised. The Irish Free State Constitution Act (c. 1, session 2) was passed on December 5; the constitution was proclaimed next day; and on December 8 the Northern Ireland address was presented. In consequence, under Article 12, we are back in dualism once more. Northern Ireland is confirmed in her position of limited autonomy under the Act of 1920. At the same time an important proviso becomes operative:

> Provided that if such an address is so presented a Commission consisting of three persons, one to be appointed by the Government of the Irish Free State, one to be appointed by the Government of Northern Ireland and one who shall be Chairman to be appointed by the British Government, shall determine in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions, the boundaries between Northern Ireland and the rest of Ireland, and for the purposes of the Government of Ireland Act, 1920, and of this instrument, the boundary of Northern Ireland shall be such as may be determined by such Commission.

Except for a safeguard for religious equality in the Free State and in Northern Ireland, the remainder of the Articles of Agreement concern the relations between the Free State and Britain. The wording of the oath of allegiance to be taken by members of the Free State Parliament is specified. The Free State undertakes liability for the United Kingdom public debt and for the cost of war pensions in a proportion to be settled by arbitration in default of agreement. Definite facilities are to be afforded to His Majesty's Imperial Forces in time of peace or war. Assurances of fair compensation are given with regard to judges and other officers discharged or otherwise affected by the change of government.

The Irish Free State Constitution Act, which, as already mentioned, was passed in December 1922, declares itself to be the Act from the passing of which Northern Ireland's month shall run. It contains in one schedule the new Free State Constitution and in another the Articles of Agreement already discussed. Ratification was guarded by a condition that in the event of any repugnancy between the Constitution and the Agreement the latter shall prevail. The Constitution contains a natural emphasis of Irish nationality.

> All powers of government and all authority legislative, executive, and judicial in Ireland, are derived from the people of Ireland and the same shall be exercised in the Irish Free State (Saorstát Eireann) through the organizations established by or under, and in accord with, this Constitution.

Irish is to be the national language, "but the English language shall be equally recognized as an official language." One clause explains Free State citizenship. Another declares the Free State ownership of all lands and waters, mines and minerals, subject to any valid private interests or any existing trusts, grants, leases, or concessions. Several abstract "rights of man" principles of a kind familiar in foreign constitutions are enunciated—liberty of the person, freedom of speech, right of assembly, inviolability of the home, independence of the judiciary, and the right to free elementary education. Several political conventions, adopted from the British Constitution, are reduced to writing. These, with the occasional variations from their model, were acutely analysed in this *Journal* by Professor Swift MacNeill a year ago.[1] The complete autonomy of the Free State is expressed by Art. 12, which creates the Legislature and vests therein "the sole and exclusive power of making laws for the peace, order and good government of the Irish Free State." Under various transitional clauses the existing laws are continued in force until repealed or amended, the existing Courts are to exercise jurisdiction till a fresh system is evolved, and, in respect of departmental property, assets, rights and liabilities, the Free State Government is declared the successor of the Provisional Government, which itself was the successor of the British Government departments.

The 1920 Government of Ireland Act was an edifice resting on two pillars. Only the Northern Irish pillar was now standing; the Lord Lieutenant, Lord Chancellor and High Court of Appeal for Ireland were left in the air. The balance of the edifice was restored by the Irish Free State (Consequential Provisions) Act (c. 2, session 2), which gives Northern Ireland its own Governor, Privy Council, Great Seal and Civil Service

[1] *Journal of Comparative Legislation*, Third Series, vol. v, pt. i, p. 52.

Commission. Northern Irish appeals go to the House of Lords. The office of Lord Chancellor is abolished. Arrangements are made for finance, a land customs frontier, relief from double taxation, judges' pensions, land settlement of ex-service men in Ireland generally, severance of the national health insurance system of Great Britain from that of the Free State, and for transacting outside the Free State the management of the National Debt and Government securities and annuities. Details are worked out by a free use of Orders in Council, many of which adapt Acts of Parliament.[1] The Consequential Provisions Act still keeps alive the possibility of a Council of Ireland, which may be created under identical Acts of the Parliaments of the Free State and the North. Southern Ireland never having co-operated in setting up the Council of Ireland under the 1920 Act, the Council had never come into being. Something therefore had to be done with the powers prospectively given to the Council in 1920 for uniform administration throughout Ireland of public services connected with railways, fisheries and diseases of animals. By means of more Orders in Council these powers as to Northern Ireland found their way back to, if they did not merely remain in, Whitehall.

Two other Acts concerned Ireland. One (c. 24) authorized the Treasury to guarantee Government of Northern Ireland loans up to three and a half million pounds. The other (c. 55) disbanded the Royal Irish Constabulary, made provision for pensions, transferred the public services connected with resident magistrates in Northern Ireland, and gave an indemnity for acts done or omitted after the end of 1918.

Imperial and Foreign.—The Empire Settlement Act (c. 13) enables the Secretary of State to co-operate with any Dominion governments or with public authorities or private organizations in formulating agreed schemes to give joint assistance to suitable persons in the United Kingdom intending to settle in a Dominion overseas. The Act can be extended by Order in Council to protectorates or to territories under mandate. The schemes can provide assisted passages, initial grants and training allowances, or they may be schemes for development or land settlement in general. The financial liability of the home Government is limited, and the Treasury must be satisfied that the Secretary of State's contributions to an agreed scheme are not disproportionate to the contributions of other parties thereto. Another enactment (c. 4, session 2, s. 4) extends the power of guaranteeing export transactions under the Overseas Trade Acts. A brief British Empire Exhibition (Amendment Act (c. 25) removes doubts whether the powers given to the Board of Trade in 1920 for an exhibition in London in 1923 equally apply to the exhibition held at Wembley in 1924.

The nationality of successive generations of persons of British descent born abroad forms the subject of the British Nationality and Status of Aliens Act (c. 44). Hitherto British nationality by descent has ended

[1] One of the most important (see S.R. & O. 1923 (No. 405), p. 400) declares or explains how far the words "United Kingdom," "Great Britain and Ireland," "British Islands" and "Ireland," where occurring in past Acts of Parliament, include or exclude the Irish Free State. While the Irish Free State Acts (see, for example, the Adaptation of Enactments Act of 1922 and the Interpretation Act of 1923, Nos. 2 of 1922 and 46 of 1923 respectively) speak of the late United Kingdom of Great Britain and Ireland, Acts of the Imperial Parliament (see the Consolidated Fund Acts and Appropriation Act of 1923) still speak of the United Kingdom of Great Britain and Ireland.

after the first (or, in the case of persons born before 1915, the second) generation born abroad. Under the new Act every child born abroad of a British father can be a British subject if certain conditions are fulfilled which unmistakably indicate the wish. These conditions are (i) that the child's birth must be registered at a British Consulate within a limited period after birth, and (ii) that the child, on reaching majority, should assert British nationality by a declaration duly registered.

The anomalies of Imperial divorce law are illustrated by the Kenya (Divorces) Validity Act (c. 10), retrospectively legalizing divorces given by the Courts of the Kenya Colony and Protectorate to persons not domiciled. Like the similar Indian Divorces (Validity) Act of 1921, it originates in Sir Henry Duke's decision in *Keyes* v. *Keyes and Gray* (L.R. 1921, P. 204).

A brief Indian High Courts Act (c. 20) makes it clear that a High Court pleader who is qualified for appointment as a High Court judge in India by ten years' enrolment is equally qualified if for part of that period he has been enrolled in a Chief Court which is subsequently converted into a High Court. The East India Loans (Railways and Irrigation) Act (c. 9) increases by fifty millions the maximum amount which may be borrowed in the United Kingdom for public works in India. The Act also simplifies the official countersignature of bonds issued by the Secretary of State, and gives power to redeem securities at a premium. Other imperial or foreign financial arrangements include the guarantee of the Sudan Government Loan (c. 15, and c. 4, session 2) and the Austrian Government loan (c. 4, session 2), and the payment of calls on, and application of dividends from, the shares acquired under the 1914 arrangement in the Anglo-Persian Oil Company (c. 26).

The Importation of Animals Act, which specially interested Canada and Ireland, will be mentioned later. Meanwhile, in the field of foreign affairs there is the Treaties of Washington Act (c. 21) giving effect to two treaties signed on February 6, 1922. One of these relates to the limitation of naval armaments, the other to the protection of neutrals and non-combatants at sea in time of hostilities and the interdicting of noxious gases and chemicals as a weapon of war. The Act applies to all H.M. Dominions except the five self-governing Dominions, India and the Irish Free State; it can be extended to British protectorates by Order in Council. It forbids the building or equipment of vessels of war without Admiralty licence, creates penalties which have a special application to the directors and managers of companies and corporations, and applies parts of the Merchant Shipping Act relating to the forfeiture and detention of vessels, while expressly saving the Foreign Enlistment Act of 1870. The Articles of Treaty protecting merchant vessels from belligerent submarines, etc., in war time are backed by enacting that any violation thereof shall be deemed an act of piracy.

Emergency Period Survivals.—In 1922, as in the preceding years, some of the emergency legislation of the war period was found too useful to abandon. The Celluloid and Cinematograph Film Act (c. 35), which gives effect to the recommendations of a Departmental Committee of 1913, in part replaces a Defence of the Realm Regulation. Its main purpose is to lessen the danger of fire on premises in which film is stored. The Act does not apply to cinema theatres, which are governed by the legislation of 1909, nor to factories, which are dealt with by regulations under

the Factories Acts. Its working, as is perhaps inevitable, largely depends on subsidiary regulations. Just as certain Food Orders are incorporated in a Milk and Dairies Act to which we shall refer later, so part of a war-time Sale of Food Order becomes permanent in the Sale of Tea Act (c. 29) whereby tea sold by retail, whether in packet or not, must be sold by weight, and, if packed, must be labelled with a true statement of the net weight. The Allotments Acts, which deal with land acquired under Defence of the Realm powers, will be summarized on a later page. A few war measures, while not permanently re-enacted, are continued for a further period. The Coroners (Emergency Provisions Continuance) Act (c. 2) carries on the 1917 limitation upon the number of jurymen at an inquest and the 1918 conditions under which a jury need not be summoned. The Summer Time Act (c. 22), which puts the clock an hour ahead of Greenwich mean time during the summer months, continues for another two years the principle of the expired Act of 1916. But whereas the older Act allowed the period to be fixed by Order in Council, the more recent Act fixes it as beginning after the third Saturday in April and ending with the third Saturday in September. This statute, which has since been continued by the Expiring Laws Continuance Act, applies to Great Britain, Northern Ireland,[1] the Channel Islands and the Isle of Man.

Finance.—The income-tax clauses of the Finance Act (c. 17) make a few concessions. Contributions towards the expenses of statutory superannuation allowances or gratuities can be deducted from the amount of emoluments assessable to tax for the year. War widows' grants in respect of children are excluded from computation of income. National savings certificates and Ulster savings certificates are exempted from income-tax. On the other hand two sections, which must have presented great difficulty to the draftsman, are aimed at tax evasion. The practice had arisen of setting aside income either under a revocable disposition, or under irrevocable disposition for a short period or in favour of a child for a period less than the life of the child. Income so set aside is in future to be treated as the income of the disponor. The other section is aimed at super-tax evaders. Companies are not liable to super-tax. "One-man companies" or small private companies, preserving almost as much secrecy as private partnerships in their accounts, could put to reserve the profits upon which individuals or private partners are required to pay tax. These reserves would then be available for distribution in full on winding up the company or could be borrowed against meanwhile. The Finance Act of 1922 gives power to say in such cases that an unreasonable proportion of the company's funds has been put to reserve, and to impose tax accordingly. By other changes in the law the charge of income-tax under Schedule D in respect of income from office, employment or pension is shifted over to Schedule E, an appeal to the Special Commissioners against Schedule E assessments is given, and fresh allowances are made in respect of repairs. In time past the reassessment for landlords' property tax had been quinquennial, but the war had upset any such arrangement. The 1922 Act therefore authorizes the fresh determination of values outside London, this provision attracting greater attention when it began to operate a year later. The Act also contains

[1] The Irish Free State has a similar Act of its own (No. 13 of 1923), though Greenwich mean time is referred to as West-European time.

sections relating to entertainments duty and allowing the payment of excess profits duty by instalments; and it exempts from corporation profits tax charitable and other companies possessing limited liability without being labelled "Limited."

The Isle of Man (Customs) Act (c. 36) continues various duties and applies the principle of imperial preference to imported cocoa.

The guaranteeing of various loans by the Imperial Government is mentioned elsewhere. Guarantees under the Trade Facilities Act were also extended in the endeavour to lessen unemployment (c. 4, session 2).

Increase of Charges and the Campaign for Economy.—Although the Finance Act managed to reduce the income-tax, the rates of postage and the duties on tea, coffee and cocoa, the cost of living and the scale of money values were still regarded as justifying increased statutory charges. Pawn-brokers were allowed an extra halfpenny per five shillings on pawn tickets representing values not exceeding two pounds (c. 5). The Harbours, Docks and Piers (Temporary Increase of Charges) Act (c. 23) and the Canals (Continuance of Charging Powers) Act (c. 27) explain their nature by their titles.

Sir Eric Geddes' Committee on National Expenditure issued its recommendations in the form of three reports published during February. Some of the suggestions were embodied in an Economy (Miscellaneous Provisions) Bill which failed to pass before the dissolution of Parliament occurred. One of the least unpalatable resulted in the Audit (Local Authorities, etc.) Act (c. 14), which converted certain half-yearly audits by district auditors into annual events, while allowing the Minister of Health to direct an extraordinary audit at any time on three days' notice. Another recommendation inspired the Juries Act (c. 11). Hitherto separate lists have been prepared of voters and of jurymen; for the future money is saved by maintaining one list only and by marking in the prescribed manner (*i.e.* by the letters "J" or "SJ") the names of persons included in the electors list who are qualified and liable to serve as jurors and as special jurors. As an afterthought the Act was made to include an exemption for women who are vowed members of a religious order living in convents or other religious communities. Another addition authorized the sheriff to excuse jurors from attendance. The sheriff must be satisfied by good reasons rendered in writing and must supply the Court with a list of the persons excused and the reasons for excusing them. An attempt to secure travelling and subsistence allowances for jurymen failed.

Impressed with the cost of education, the Geddes Committee advised that, pending a general inquiry into the whole subject, the superannuation of school teachers should be placed on a contributory basis. This was effected in England by an Act (c. 42) which, breaking away from the non-contributory scheme set up by the Act of 1918, deducts (with certain exceptions) a uniform 5 per cent. from salaries up to June 1924. The salary on which the contribution is levied is the salary on which pensions are awarded; the Board of Education can disregard excessive salaries,—that is to say, those in excess of the Burnham scale as modified by the Board. Anyone who can show that, owing to shortness of service, he cannot obtain an allowance at sixty-five, is entitled to exemption from contribution. Those who fail to get the benefit—including women teachers who intend to give up teaching on marriage—can have their contributions returned. In the corresponding Scottish Act (c. 48) the machinery differs.

Scotland had already had a contributory scheme from 1912 to 1919, and the old method is revived. The Scottish Education Department is directed to frame and lay before Parliament (for approval by Order in Council) an amendment of the existing approved scheme of superannuation. S. 4 of the Act remedies a former oversight. The School Teachers Superannuation Act of 1918 said that annuities should be charged on the Consolidated Fund instead of being any longer paid from the deferred annuities fund. That Act applied only to England, so that the reference had to be construed as a reference to the English portion of the latter fund. Scottish teachers having also contributed to this deferred annuities fund, the 1918 enactment required extension to Scotland.

The Milk and Dairies (Amendment) Act (c. 54) further postpones till 1925 the progressive but expensive Milk and Dairies (Consolidation) Act of 1915 (which, it was stated, would cost the country a million a year), together with the corresponding Scottish Act of 1914. Two Food Orders of the emergency period, relating to the grading of milk and the prevention of adulteration, were about to expire and required replacement. The 1922 Act allows a local authority to refuse or cancel the registration of a purveyor of milk in a proper case, subject to his right of appeal to the magistrates and the right of both sides to go thence to quarter sessions. S. 3 prohibits the sale of milk as of a particular grade or designation ("certified," "Grade A," "pasteurised," or otherwise as prescribed by order of the Minister of Health) without a licence granted by the Minister. To milk intended for sale there must be no addition of colouring matter or water, or of dried, condensed, skimmed or separated milk. Selling milk from a cow with a tuberculous udder is forbidden under penalty of fine and imprisonment. Imported milk is made subject to Public Health Regulations of the Health Ministry in the same manner as milk produced in this country. Regulations can also deal with the labelling, marking and fat percentages of dried, condensed, skimmed and separated milk. Under the criminal procedure sections of the Act a local authority can proceed against a retailer's servant or agent without first proceeding against the retailer himself; no one is to be convicted on samples taken from an afterwards unsealed churn which was effectively sealed while in his custody and control. The Act applies, with the necessary variations, to Scotland, but not to Ireland.

Yet another measure attributable to the desire for economy is the Lunacy Act (c. 60). Its main feature is the substitution of a Master and Assistant Master in Lunacy for the previously existing two Masters in Lunacy. It also amends the law of Chancery lunatics in technical matters of procedure.

The Fighting Services.—The yearly amendments of the Army Act, thrust into the 1881 fabric wherever there is space for them, are making the original statute an unsymmetrical enactment which might well be drafted afresh. The chief amendments made by the Army and Air Force (Annual) Act of 1922 (c. 6) relate to the punishment of officers by court-martial. The promotion of some officers depends on length of service, not on relative seniority. A sentence therefore of forfeiture of seniority is ineffective. The Act makes it possible to sentence an officer to forfeiture of service (as can already be done under s. 180 (2) (*e*) of the Army Act to British officers of the Indian Army), while the Army Council is empowered to restore either forfeited seniority or forfeited service to

officers who perform good and faithful service. Another section affects the reckoning of service by boys enlisted under eighteen; another gives statutory validity to a clause in the attestation form which allows the retention of a soldier with the colours for an extra year if he is serving abroad at the time when he would otherwise have been transferred to reserve.

Unlike the Army Act, the Naval Discipline Act does not need annual continuance. An amending Act in 1922 (c. 37) brings Royal Navy personnel, when serving in the ships or establishments of the navy of a self-governing Dominion, under the disciplinary control of that Dominion. The compulsory deductions from a seaman's pay for maintenance of wife or children are increased to conform with the scale in force for soldiers and airmen. Other clauses reduce the minimum of five years' penal servitude to three, insert the rank of lieutenant-commander in the provisions for constituting court-martials, treat marine warrant officers (Class 1) as officers (thus placing them on a level with naval warrant officers), and allow naval court-martials to adjourn instead of necessarily sitting *de die in diem*.

The Air Ministry acquired Kenley Common in Surrey from the City of London (c. 40). The War Service Canteens (Disposal of Surplus) Act (c. 53) authorized the distribution of the large sums made by the Expeditionary Force canteens and the Navy and Army Canteen Board, since legal opinion had held that these were public funds.

Criminal Law.—The Infanticide Act (c. 18) creates a new crime.

> Where a woman by any wilful act or omission causes the death of her newly born child, but at the time of the act or omission she had not fully recovered from the effect of giving birth to such child, and by reason thereof the balance of her mind was then disturbed, she shall . . . be guilty of felony, to wit of infanticide . . . and punished as if she had been guilty of the offence of manslaughter of such child.

The jury may return a verdict of infanticide instead of murder where the woman is charged with murder; at the same time the previously available verdicts of manslaughter, concealment of birth and "guilty but insane" are saved, and on trial for infanticide she may be found guilty of cruelty under s. 12 of the Children Act, 1908. The words "not fully recovered from the effect of giving birth" appear somewhat indefinite, but the Act ends the solemn farce of sentencing women to death for child murder when judge, jury and everyone else know that the sentence will not be executed. The Act is an advance upon earlier proposals such as Lord Loreburn's Bill in 1908 for giving a judge power to say that child murder is merely manslaughter, or Lord Alverstone's later Bill allowing the judge to record sentence and not pronounce it.

Developed from the Bishop of London's Bill of 1914 by Select Committees presided over by Lord Muir Mackenzie, and adopted in modified form as a Government measure, the Criminal Law Amendment Act (c. 56) takes away the defence of consent from a defendant charged with indecent assault on a child or young person under sixteen. A defendant charged under ss. 5 and 6 of the 1885 Act (carnal knowledge of girls under sixteen) is also deprived of the defence of reasonable belief that the girl was sixteen, though a saving is made for a man of twenty-three years of age or under if charged for the first time. The time limit for

prosecutions is extended from three to nine months after the date of the offence. Other sections of the Act increase the penalties on brothel-keepers and repeal the requirement that proceedings under the Punishment of Incest Act of 1908 should be held *in camera*.

The Representation of the People (No. 2) Act (c. 41) deals with the liability of corporate bodies for corrupt practices at elections, a director or official of the body being made punishable "unless he proves that the act constituting the offence was committed without his knowledge or consent." The new law was occasioned by the intervention of a newspaper in a by-election.[1]

Gaming.—The House of Lords' judgment in *Sutters* v. *Briggs* ([1922] 1 A.C. 1) interpreted s. 2 of the Gaming Act of 1835 to mean that a man who paid gaming debts by cheque could get his money back. A crop of actions followed, and executors and trustees in bankruptcy were uncertain whether or not it was their duty to make claims. In these circumstances the Gaming Act of 1922 (c. 19) was passed. It repeals the section which had caused the trouble, and it declares that no trustee or executor shall be under any duty to make a claim thereunder. The Act says no action for the recovery of money under the section shall be entertained in any Court. The Courts had later to decide how far these words were retrospective.

Local Government.—A change in the system of auditing local authorities' accounts has already been mentioned. The Local Government and other Officers' Superannuation Act (c. 59) is based on Part IV of the Middlesex County Council Act of 1921 (11 & 12 Geo. V, c. xl), and is thus an example of the well-known process by which, in matters of public health or otherwise, a progressive locality sets the pace for the whole country. The new Act is adoptive. Local authorities, on adopting it, must establish a superannuation fund into which are paid (i) contributions of 5 per cent. deducted from the salaries and wages of servants and officers, (ii) an equivalent contribution from the employing authority, and (iii) a sum actuarially certified to be necessary in order to make the fund solvent, and this sum is calculated so as to cast upon the local authority an equal annual charge over a period not exceeding forty years. The fund is to be submitted to actuarial investigation every five years and procedure is laid down for dealing with any deficiency or disposable surplus thus discovered. Officers and servants are entitled to allowances out of the fund (*a*) on discharge for ill-health after 10 years' service, (*b*) on attaining sixty years and completing forty years' service, or (*c*) on reaching sixty-five years, at which age all cease to be employed unless their term of service is extended from time to time by resolution. The scale of superannuation allowances is fixed. All claims are forfeited for fraud or grave misconduct. Loss of appointment on reduction of staff or abolition of post, retirement for ill-health or compulsory retirement on marriage are grounds for return of contributions with compound interest at 3 per cent. They are returned without interest if officers voluntarily resign or are dismissed for incapacity when fraud or misconduct is not alleged. In case of death before superannuation the legal personal representative receives the contributions with 3 per cent. compound interest. Local authorities are not within the Act unless they employ at least fifty persons within its scope, but authorities can combine under schemes approved by the Ministry of Health. Special

[1] See *Crim. Appeal Reports*, 1922, at p. 131.

provision is made for reckoning previous non-contributory service or service with another authority, and for bringing existing clerks of the peace under the Act.

Local authorities are also affected by the Representation of the People Act (c. 12) which, in addition to fixing dates in connexion with the registration of electors, amends s. 54 of the Local Government Act of 1888. It enables the Home Office to dispense with a local inquiry (unless a petition is presented) when altering the boundaries of county electoral divisions or the number of county councillors and county divisions.

National Health and Unemployment Insurance.—The National Health Insurance Act (c. 38) was another echo of the Geddes Committee report. By a complicated process of book-keeping, it seeks to lessen the contribution of the State to the health insurance system. In the consequent financial readjustments the burden is shared by the approved societies' funds, the Central Fund (devised mainly to aid smaller societies when in difficulties) and the Women's Equalization Fund. The last-named (instituted to meet the extra cost entailed by the higher incidence of sickness among married women) is abolished, the charge being met from the reserve value or sinking fund.

Two Unemployment Insurance Acts were found necessary. The first (c. 7) replaces the Unemployed Workers' Dependants (Temporary Provision) Act of 1921, amalgamates the rates of contribution and continues the benefits. The unmarried wife is recognized ("where a person . . . had or has living with him as his wife any female person"). Unemployment being as serious as ever, "special periods" are instituted and other measures are taken to lessen gaps. Nursing is added to the excepted employments scheduled to the Act of 1920. The husband or wife of a person charged with an offence under the Act of 1920 is made a competent witness for either side without consent of the person charged. The Unemployment Insurance (No. 2) Act (c. 30), since repealed, deals further with gaps in uncovenanted benefit.

Law of Property.—The 191 sections and the 16 voluminous schedules of the Law of Property Act (c. 16), occupying nearly half the volume of the statutes of the year, deserve not only a special volume of this *Journal* but also a commentator specially learned in the lore of Lincoln's Inn. In the absence of either, it seems well first to explain that the Act does not operate until 1925. By that time its various parts will, it is hoped, have been consolidated with the various groups of statutes upon which they impinge, and Parliament will have stated definitely which sections of which older Acts are dead. In its present form and without such consolidation the 1922 Act is likely to baffle all except experts in the theory and practice of real property law and the Members of Parliament who passed the Bill. Its passing owed everything to Lord Birkenhead's skill and energy. Its contents owe much to the spirit of continuity which happily inspires the efforts of successive Lord Chancellors.

The first expressed object of the Act is to assimilate and amend the law of real and personal estate; and, while land can never be so easy to buy or sell or give away as a pair of boots, the Act does what it can by removing some of the last relics of feudalism. Grand and petty serjeanty are affectionately preserved, but copyholds are enfranchised and borough English, gavelkind and other customary modes of descent are to disappear along with all manorial incidents, subject to compensation for

lords and stewards of manors. Primogeniture, curtesy, dower and freebench are swept away; the Statutes of Distribution are revoked, and real and personal property devolve alike on intestacy along new lines laid down by Part VIII of the Act. Conveyancing is simplified. Legal estates in land are reduced to fee simples, terms of years absolute and certain minor rights enumerated in sub-s. 1 (4). The Statute of Uses is repealed after nearly four centuries of pedantry. Estates tail cease to exist at law but remain in equity where things moveable as well as immoveable may be entailed. In dealings with land equitable interests are placed, in the current phrase, behind a curtain, and the doctrine of equitable notice is largely overthrown. In other words, with certain exceptions the man who wants to buy or sell a piece of land need deal only with the owner of the legal estate without worrying himself over the equities of third parties whether known or unknown. With equities thus kept off the title, abstracts are cut down. Preliminary investigations are shortened, for the period of thirty years is substituted for that of forty years as the root of title. Tenancy in common is abolished and turned into a trust for sale, and the Partition Acts disappear.

These are some of the changes of which the limits of our space permit the mention. It remains to add that Part II of the Act makes wholesale amendments of the Settled Land Acts, a tenant for life being given as of right various increased powers which at present he usually receives under the terms of the settlement. Part III overhauls the Conveyancing Acts, and Part IV the Trustee Acts. Part X amends the Land Transfer Acts. Registration of title will become compulsory on sale as the area of compulsion is widened. At present registration is compulsory in the County of London. It is not to be extended outside for ten years unless the county council concerned asks for the application of the compulsory system. After ten years from the commencement of the Act county councils and local law societies may pass resolutions asking for a public inquiry. After inquiry and report the Lord Chancellor may make an order extending compulsory registration to that county, but the order must first be laid in draft before Parliament and the draft must be positively approved by a resolution of both Houses.

The effect of all these changes can scarcely be realized till the consolidating legislation makes possible an orderly presentment of the law. Many minor alterations are scattered up and down the Act, as opportunity is taken to enact judicial decisions and to settle dubious points. Samples of these minor changes show their variety. Deeds in future must be signed as well as sealed (s. 72 (4)). A man may convey land to himself (s. 72 (3)) and may make a covenant with himself and others (s. 97). There are new rules of interpretation (s. 107 (1)). Wills made in contemplation of marriage are no longer to be revoked by marriage (s. 152). If two people die in circumstances of uncertainty, the younger is to be presumed to have survived the elder (s. 107 (3)). There are sections on corporation law which would have interested Maitland (ss. 72 (2), 73): we now know what happens to property vesting during a vacancy in the office of a corporation sole or during a vacancy in the office of the head of a corporation aggregate. The public obtains a *jus spatiandi* "for air and exercise" over waste lands and commons with limitations on caravanning, camping and fire-lighting (s. 102). Trade unions are no longer restricted to a single acre (s. 106). Stipulations against a purchaser or lessee employing his own solicitor are to be void

(s. 104). There will be no need in future to take acknowledgments of married women (s. 74).

One of the Memoranda published while the Bill was under discussion denies that the proposals will give the lawyers more work. In any event the effect of the new Act will be gradual, and for many years to come titles will require investigation in the manner heretofore accustomed.

Importation of Cattle.—A long controversy was ended by the Importation of Animals Act (c. 5, session 2), which allows Canadian store cattle to be landed in Great Britain (upon certain conditions as to marking, transport, inspection, landing and health) without being necessarily slaughtered on arrival under the Diseases of Animals Act of 1894. The landing of Canadian animals other than store cattle (*i.e.* breeding cattle) may also be authorized by order of the Minister of Agriculture subject to conditions. By substituting the word "imported" for the word "foreign" in the 1894 Act and by other provisions as to landing animals from Ireland, certain temporary regulations affecting the movement of Irish cattle in Great Britain become permanent. These temporary regulations had been imposed because of the severe outbreak of foot-and-mouth disease earlier in the year, which had also required an extra grant from Parliament (c. 8). The Importation of Animals Act provides for fees on importation to cover the expense of examination, and makes it clear that no compensation will be payable from public funds for the slaughter of an imported animal.

Allotments.—The Allotments Act (c. 51) might be cited as another example of the transition from war to peace conditions. Before the war the allotment system was rather a rural than an urban problem, and it was in the hands of the local authorities. During the war, when food supplies were threatened, it became increasingly an urban problem, and the Ministry of Agriculture took action. Entering upon a large area of unoccupied land under Defence of the Realm Act powers, the Ministry provided allotment gardens for over 250,000 persons. The war being now over, it seemed wrong to continue to rely upon emergency powers. The Ministry, too, wanted to reduce its commitments and to hand back the control of allotments to the local councils. At the same time the allotment-holders wanted to keep their plots; the landowners wanted the burden of compensating a disturbed tenant lightened; and in many cases the land was required for building or other industrial or public purposes. The 1922 Act gives a partial security of tenure by stipulating that a tenant must have six months' notice expiring at the beginning of April or the end of September to suit the normal summer cropping season. There is a saving clause for the re-entry of a landowner for building, road-making, etc., or of a local authority for housing developments, or of a railway, dock, canal, water or other undertaking for its statutory purposes. A tenant's bankruptcy, non-payment of rent or breach of agreement are also recognized as giving a right of re-entry. The tenant's right to compensation for growing crops and manure is re-enacted in fresh form. Compensation is based on value to an incoming tenant. In default of agreement the amount of compensation is to be settled by an arbitrator appointed by the county court judge of the district. The tenant can remove fruit-trees he has planted and fences he has erected. The cost of buying land near towns being often prohibitive, borough and urban district councils receive compulsory powers of hiring land, and can enter on and adapt unoccupied land. County

councils are allowed to purchase land for fee-farm rents and also to let land direct to allotment-holders. Urban authorities are directed to set up allotment committees including representatives of the tenants and persons experienced in the management and cultivation of allotment gardens. The expenditure of a council is limited in a manner intended to make the allotment system self-supporting, but there is recognition of the exceptional expense of roadmaking and of sinking fund charges in respect of loans for land purchase. A penal clause deals with the offence of damaging allotment gardens, crops, fences or buildings. An allotment garden is defined as—

> an allotment not exceeding forty poles in extent which is wholly or mainly cultivated by the occupier for the production of vegetables or fruit crops for consumption by himself or his family.

Urban authorities with populations over 10,000 need not provide gardens larger than twenty poles in extent.

The Allotments (Scotland) Act (c. 52) contains similar provisions *mutatis mutandis*; land may be made available for common pasture, and local authorities providing allotments must provide access thereto by suitable roads or paths if access is not already available.

Solicitors.—Amongst other provisions as to professional examinations and qualifications the Solicitors Act (c. 57) insists that all would-be solicitors must (unless attendance is impracticable for geographical or other reasons) attend an approved law school.

Bread.—The Bread Acts Amendment Act (c. 28) deprives the common informer of a harvest which he possibly had overlooked. A century ago Parliament was concerned to penalize the adulteration of wheat flour with other cereals. Self-raising flour in the modern sense had not then been invented. When invented it seems to have contravened the old Bread Acts until now. The 1922 Act allows the sale of self-raising flour *non obstante* the legislation of 1822 and 1836, and (while saving the Food and Drugs Acts) gives new departmental powers of regulating the ingredients and mixtures of flour.

Oil.—The increasing use of oil instead of coal by ships has brought danger to fish and sea-birds, causes risk of fire in docks and harbour and lessens the amenities of the sea-side. The Oil in Navigable Waters Act (c. 39) penalizes the discharge of oil into the territorial waters or harbours of Great Britain and Northern Ireland. Records must be kept of the transfer of oil, and notice must be given of intended transfer to or from a vessel in harbour at night. Harbour authorities can appoint places where the ballast water of petroleum-carrying vessels can be discharged under approved conditions. Oil for the purposes of the Act includes a mixture of oil and water, and also the liquor discharged from tanks which have held oil and have not been cleaned.

Tithes.—The Ecclesiastical Tithe Rentcharges (Rates) Act (c. 58) removes an uncontemplated anomaly. Relief from rates was given in 1920 to incumbents with small incomes within specified limits. It was afterwards found that an incumbent holding two united livings could obtain separate exemptions within those limits though his united income might be above them.

Scotland.—Scottish Acts relating to allotments and to school teachers' superannuation have already been discussed. There are two other

Scottish Acts in 1922. One (c. 31) extends the powers of the University Courts in Scotland to make ordinances in the direction of limiting the tenure of principalships and professorships, instituting a superannuation system, and admitting lecturers and readers to the *senatus academicus*. Lecturers and readers, after holding office for a year, are also made members of the general council of their university during their tenure of office. The other Act (c. 34) allows the Secretary for Scotland to cancel or suspend whale fishery licences.

Delegated Legislation.—The number of Statutory Rules and Orders officially registered during the year 1922 under s. 3. of the Rules Publication Act, 1893, is less by nearly a quarter than the number registered in 1921, which in turn had been considerably smaller than the number registered in 1920. The official volume containing the Statutory Rules and Orders of 1922 in force at the end of the year includes, in addition to the normal output of departmental regulations, important Orders in Council as to Ireland, a comprehensive air navigation code (since superseded), and several orders of Imperial significance, some made under the Foreign Jurisdiction Act, others providing for the reciprocal enforcement of judgments or of maintenance orders as between the United Kingdom and the oversea Dominions. A table appended to the volume shows some 70 cases in which a Statutory Rule and Order affects the operation or wording of an Act of Parliament. The list would have been far longer had the Orders in Council adapting enactments as to Ireland been included in the table.

2. ISLE OF MAN.

[*Contributed by* LLEWELLYN KNEALE, ESQ.]

During the session of 1922 the Manx Legislature passed twenty-six Acts, twelve of which are of local importance only.

Museum.—The Manx Museum, Library, and Art Gallery Act provides for the management and upkeep of a Museum, Library, and Art Gallery.

The Museum was given by Noble's Trustees to the Government Property Trustees upon trust for the use of the public, and the Act provides for the maintenance of the Museum out of the general revenue.

Oaths.—This Act provides that an oath may be taken in the following way:

"The person taking the oath shall hold the New Testament, or, in the case of a Jew, the Old Testament, in his uplifted hand, and shall say or repeat after the officer administering the oath the words: 'I swear by Almighty God that' . . ." followed by the words of the oath prescribed by law.

Vaccination.—The Vaccination (Amendment) Act was passed in consequence of the agitation of objectors to vaccination. It provides that where a parent or person having the custody of a child declares conscientiously that vaccination would be prejudicial to the health of the child, vaccination need not take place.

Horse Breeding.—The object of the Horse Breeding Act, 1921, is to improve the breed of horses in the Island. Every person who owns or has control of a stallion must take out a licence, and every person failing to do so is liable to a penalty. The Board of Agriculture of the Isle of

Man grants the licences, and has power to revoke or suspend them in case a stallion becomes in its opinion unfit. From the decision of the Board of Agriculture refusing a licence or revoking or suspending a licence there is an appeal to a panel of referees.

Judicature.—The Judicature Amendment Act provides for the trial of cases by a judge without a jury; and that questions of foreign law should be decided by the judge alone.

Cattle Breeding.—The Cattle Breeding Act, 1922, is very similar to the Horse Breeding Act, 1921, and is passed in order to try to improve the breed of cattle in the Island. Every person having control or custody of a bull over six months must take out a licence. The licences are issued by the Board of Agriculture, and it has power to revoke or suspend the licence in case the bull becomes in its opinion unfit. From the decision of the Board of Agriculture refusing a licence, or revoking or suspending a licence, there is an appeal to a panel of referees.

Public Charities.—The Public Charities Act provides that the trustees of every public charity, or of the endowment of any public charity, shall every year file a return in the Rolls Office of their income and expenditure during the previous twelve months. The account must be audited, and provision is made for a penalty for non-compliance.

Legislature.—The Payment of Members' Expenses Act provides for the payment of the members of the Legislature out of the General Revenue of the Island. Members of the Legislative Council and of the Keys receive £50 a year; and the chairmen of certain insular public boards receive a further sum of £20 a year; and members of the Legislative Council and of the Keys who reside outside the borough of Douglas receive a further sum of £10 a year towards travelling expenses.

Conveyancing.—The Conveyancing Act introduces certain provisions from the English Conveyancing Acts 1881 to 1892. The Manx Conveyancing Acts are now almost the same as the English Conveyancing Acts.

Trustee.—This Act introduces certain provisions from the English Trustee Acts 1884 to 1894. The Manx Trustee Acts are now almost the same as the English Trustee Acts.

Marriage.—The Deceased Brother's Widow's Marriage Act is the same as the English Act 11 & 12 Geo. V, c. 24.

Seeds.—The Seeds Act, 1921, is the same as the English Act 10 & 11 Geo. V, c. 54.

Dentistry.—The Dental Act is practically a reproduction of the English Act 11 & 12 Geo. V, c. 21.

Aliens' Restriction.—This Act embodies the English Acts 4 & 5 Geo. V, c. 12 and 9 & 10 Geo. V, c. 92, and the Order in Council made thereunder with a few alterations to suit insular requirements.

3. JERSEY.

[*Contributed by* E. T. NICOLLE, ESQ., *Vicomte of Jersey.*]

Dangerous Drugs.—This Act, passed by the States of Jersey on January 24, 1922, and confirmed by Order in Council of March 3, 1922, is based on the English legislation on this subject.

Remission of Sentences.—This Act, passed on March 14, 1922, and confirmed by Order in Council of April 21, 1922, provides that a person

condemned to an imprisonment for a period exceeding one month may, by good conduct, earn a remission of part of the sentence, which in any case may not exceed one-sixth of the term of imprisonment.

4. NORTHERN IRELAND.

[*Contributed by* Sir Arthur Quekett.]

1921.

The first session of the first Parliament of Northern Ireland began in June 1921 and the actual work of legislation was taken in hand after an adjournment to September of the same year. Ten public general Acts were passed in this session and these were, with one exception, measures for carrying into full effect or supplementing the constitutional provisions of the Government of Ireland Act, 1920.[1]

Exchequer.—C. 1 makes good an undertaking of the new Government by regularizing the borrowing and directing the repayment from the Exchequer of Northern Ireland of sums advanced by the United Kingdom Government for the preliminary expenses of the new Constitution.

C. 2 is based upon the Exchequer and Audit Departments Act, 1866, and reproduces the provisions of that Act with such modifications as were necessary in order to make them fully operative in Northern Ireland. It also brings the provisions as to audit up to date by following the English amendment Act of 1921,[2] which would otherwise have had no application to the Exchequer of Northern Ireland. The Act deals with the course of the Exchequer, public banking accounts, appropriation and other accounts and the tenure of office, salary and officers of the Comptroller and Auditor-General.

Superannuation.—C. 3 applies the Civil Service superannuation code to new entrants to the Civil Service of Northern Ireland, and enables that code to be applied to parliamentary officers holding by a like tenure. Officers transferred from the old to the new Civil Service are safeguarded by the constitution itself.

Interpretation.—C. 4 applies the rules of construction contained in the Interpretation Act, 1889, to the interpretation of all Acts of the new Parliament.

Ministries.—C. 6 incorporates the several administrative departments of the Government of Northern Ireland, and contains the usual provisions as to the use of official seals and the evidencing of official acts.

Speakers of Senate and House of Commons and Ministerial Officers.—C. 7, c. 8 and c. 9 fix the amounts of the salaries of the two Speakers, the Ministers, the Parliamentary Secretaries and the Attorney-General. The salaries of the Speakers are charged directly upon the Consolidated Fund in accordance with precedent.

Appropriation.—C. 10 authorizes grants out of the Consolidated Fund for the public services during the first financial period. It also appropriates to specified services both the sums issued under the authority of the Act itself, and the sums issued from the Exchequer of Northern

[1] *Review of Legislation*, Third Series, vol. iv, pt. ii, p. 7.
[2] *Ibid.*, Third Series, vol. v, pt. ii, p. 4.

Ireland by the Lord Lieutenant under the special powers of s. 34 of the Government of Ireland Act.

Local Government.—C. 5 was passed to deal with a few exceptional cases in which local authorities in Northern Ireland refused to recognize the authority of the Government and Parliament set up by the Government of Ireland Act of 1920. The Act enables the Ministry of Home Affairs to dissolve a local authority and to appoint an official to perform all or any of its powers and duties. The duration of the Act is limited in the first place to one year.

Transitional Provisions.—The period covered by the first session of Parliament was a transitional period, because the Government of Ireland Act had not as yet been brought into full operation. The Parliament had been established and the Government appointed, but the provisions of the Government of Ireland Act under which the powers and duties of the former administrative departments were to be transferred to new departments in Northern Ireland were not in operation. These provisions depended upon the fixing of "appointed days" by Orders in Council, and the earliest day fixed for transfers was November 22, 1921. Other transfers followed on December 1, 1921, January 1, 1922, and later dates. So far, therefore, as the Acts of the first session dealt with administrative matters, it was necessary that they should do so in advance. Accordingly, provisions were included in the Exchequer and Audit Act, 1921 (c. 2), in the Superannuation Act, 1921 (c. 3), and the Ministries of Northern Ireland Act, 1921 (c. 6), making it clear that those Acts were to apply without re-enactment to services which at their time of enactment were not within the jurisdiction of the Parliament of Northern Ireland.

1922.

Acts passed—26; Public—24; Private—2.

Exchequer and Finance.—C. 1, c. 14 and c. 23 are financial measures, in common form, authorizing the application of sums out of the Consolidated Fund to the public services, and specifically appropriating the sums issued.

C. 3 empowers the Ministry of Finance to borrow money for creating a Fund out of which Local Loans may be issued, and which can be used also for short-term Exchequer borrowing. The main purpose of the Act is to provide an equivalent for the Local Loans Fund which, by reason of the Government of Ireland Act, 1920, ceased to be available for loans in Northern Ireland. Accordingly, in lieu of Local Loans Stock, the new Act provides for the issue of Ulster Savings Certificates, which by parallel legislation at Westminster are guaranteed by the British Government. In view of this guarantee, the Act gives the loan charges priority over any Consolidated Fund charges created subsequently to the Imperial legislation, and charges any sums, which may become due in respect of the guarantee, upon the Consolidated Fund immediately after the loan charges.

C. 13 makes provision for the management, administration and disposition of the part of the Irish Church Temporalities Fund apportioned to Northern Ireland as provided by s. 31 of the Government of Ireland Act, 1920. The Fund was created at the time of the disestablishment of the Irish Church in 1869 and has remained under Government control to

be used for certain specified purposes. C. 13 enables the Fund to be invested for the benefit of the Exchequer, and replaces the charges upon its income by moneys voted by Parliament.

C. 18 is the general Finance Act for the year. It does not impose any new taxation within the limited powers of the Parliament of Northern Ireland, but makes amendments in the law relating to Entertainments Duty, Licence Duty, Stamps and Estate Duty, similar to the amendments made by the United Kingdom Finance Act of the same year.

C. 24 empowers the Ministry of Finance to guarantee the payment of loans intended to be applied to the carrying out of capital undertakings calculated to promote employment in Northern Ireland. In principle it follows s. 1 of the Trade Facilities Act, 1921 (United Kingdom).[1] The aggregate capital amount which may be guaranteed is limited in the first instance to two million pounds.

Maintenance of Order.—The Civil Authorities (Special Powers) Act (Northern Ireland), 1922 (c. 5) empowers the "civil authority" of the Government to take steps outside the ordinary law for preserving the peace and maintaining order. The civil authority named in the Act is the Minister of Home Affairs, and, under him, any officer of police to whom the Minister may delegate powers. The steps to be taken under the Act are indicated in Regulations scheduled thereto, and these Regulations may be varied or added to by the civil authority. Severe penalties are attached by the Act to offences committed against the Regulations, and the offences are made triable by Courts of summary jurisdiction consisting of two or more resident magistrates. The provisions of the Criminal Evidence Act, 1898 (from which Ireland was excluded) are specially applied so as to enable persons charged with offences against the Regulations to give evidence for the defence. The Act also makes provision for the infliction of special punishments for certain offences under the law already existing, and, in particular, enacts that crimes under s. 2 or s. 3 of the Explosives Substances Act, 1883, should be punishable by death. The Regulations in the Schedule to the Act follow, in their general effect, the Defence of the Realm Regulations and the Restoration of Order in Ireland regulations previously in force under Imperial authority. The duration of the Act is limited in the first place to one year.

C. 6 makes provision for the establishment of a special Court, sitting without a jury, to try persons charged with certain serious crimes. The Act was not put into force, and was repealed at a later date in the same session.

C. 8 establishes the Royal Ulster Constabulary, which is the regular police force of Northern Ireland. The provisions of a series of statutes which applied to the Royal Irish Constabulary (in process of disbandment at the time of the passing of this Act) are made applicable to the new force with all necessary modifications. The power of appointment and removal of members of the force remains in the Lord Lieutenant, but the administrative powers in relation to the force are given to the Minister for Home Affairs. The Act makes permanent the Special Constables Act, 1914,[2] which was originally passed as a war measure of temporary duration, and makes adaptations for the application of that Act to special constables in Northern Ireland. The Act also extends to every county

[1] *Review of Legislation*, Third Series, vol. v, pt. ii, p. 8.
[2] *Ibid.*, New Series, vol. xvi, pt. i, p. 19.

in Northern Ireland the jurisdiction of each resident magistrate, which was formerly confined to particular counties.

Local Government.—C. 9 amends the Acquisition of Land (Assessment of Compensation) Act, 1919, by making available for the purposes of that Act the Reference Committee and panel of Official Arbitrators set up for the purposes of appeals under the Finance (1909–10) Act, 1910.

C. 10 establishes a Joint Council to take the place of the General Nursing Council and Central Midwives Board in Northern Ireland, and makes amendments in the law for that purpose.

C. 11 enables county councils to make the public roads available for races with motor vehicles on certain specified dates (not exceeding three in any one year), and provides for the suspension during the races of provisions restricting the speed of, or affecting the manner of driving, motor vehicles. The exercise of the powers of a county council are made subject to the supervision of the Ministry of Home Affairs.

The Local Government Act (Northern Ireland), 1922 (c. 16) restores the method of voting by direct vote at local government elections, and makes provision for the re-establishment of electoral areas suitable for direct voting. The Act also provides:

(*a*) That each person nominated for election as a member of a local authority shall signify in writing to the Returning Officer his consent to the nomination.

(*b*) That each such person shall deposit a sum of money with the Returning Officer (to be repaid only if certain conditions are fulfilled).

(*c*) That a special declaration of allegiance shall be required of members of local authorities as part of their acceptance of office.

(*d*) That paid officers of local authorities shall make the same declaration of allegiance.

(*e*) That, for the purpose of the local government franchises, occupation and residence shall not be deemed to have been interrupted by police service during the qualifying period.

The Act gives full power to the Ministry of Home Affairs to make orders for constituting electoral areas, and generally for bringing the Act into operation. It was found, however, that the exercise of these powers could not be completed in time to enable the triennial elections of county and rural district councillors and Poor Law guardians to be held on their statutory dates in the year 1923, and those dates were accordingly postponed until the year 1924 by a short amending Act of the same session (c. 22).

Live Stock Breeding.—C. 12 introduces provisions for the licensing of bulls and for the improvement of the breed of other classes of live stock, according to a system similar to that already adopted in the Horse Breeding Act, 1918.

Solicitors.—C. 19 was passed to deal with the situation created by the establishment, by Royal Charter, of an Incorporated Law Society of Northern Ireland, to exercise as respects solicitors and their apprentices the like jurisdiction as was formerly exercised from Dublin by the Incorporated Law Society of Ireland. The exercise of this jurisdiction was regulated by the Solicitors (Ireland) Act, 1898, and c. 19 applies the provisions of that Act to the Law Society of Northern Ireland, with modifications and amendments.

Superannuation.—C. 2 makes an amendment in the provisions of the Superannuation Act of the previous session (12 Geo. V, c. 3), in order

to define the rights of certain officers in the Civil Service to gratuities under the Superannuation Act, 1909.

Uniformity of Laws.—C. 20 makes applicable to Northern Ireland the following Acts passed in the 1922 session of the Imperial Parliament, viz.: Infanticide Act, Gaming Act, Bread Acts Amendment Act, Sale of Tea Act, Celluloid and Cinematograph Film Act.

Unemployment Insurance.—C. 7 enacts, as regards Northern Ireland, provisions similar to those enacted for Great Britain in the Unemployment Insurance Act, 1922 ; and c. 17 extends the powers of the Ministry of Labour to authorize persons to receive benefit under c. 7.

C. 4 extends the limit on the amount of the advances which may be made by the Ministry of Finance for the purpose of discharging the liabilities of the Northern Irish Unemployment Fund.

National Health Insurance.—C. 15 contains temporary provisions similar to those enacted for Great Britain in ss. 1 and 3 of the National Health Insurance Act, 1922.

Expiring Laws.—C. 21 is a clearing-up measure similar to the Expiring Laws Act of the 1922 session of the Imperial Parliament. It makes certain temporary enactments permanent, repeals others and continues the remainder for a further period. Various measures which were passed during the late war were due to expire on special dates, such as the termination of the war, or a particular period thereafter. C. 21 reduces the number of dates to two only, viz. December 31, 1923 and March 31, 1924.

As the Imperial Parliament retains the power to make laws for Northern Ireland in respect of various matters, some temporary laws necessarily relate to matters partly within and partly outside the powers of the Northern Ireland Parliament. As it was not possible to segregate the provisions of these laws according to jurisdiction, they were included in c. 21 as well as in the corresponding Imperial Act. The latter Act is expressed to apply to Northern Ireland " in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws " (12 & 13 Geo. V, c. 50, s. 5 (2)). The Expiring Laws Act (Northern Ireland), on the other hand, disclaims the intention of affecting any enactment in so far as it comes within that description.

Local Legislation.—Private Bill legislation was begun in this session under Standing Orders which in the main follow the Westminster procedure. A step in the direction of simplifying the procedure was taken by providing that the Select Committees, whether on opposed or on unopposed Bills, should be Joint Committees of both Houses of Parliament.

C. 1 is an Act to extend the borrowing powers of the Belfast Harbour Commissioners.

C. 2 authorizes the Londonderry Bridge Commissioners to borrow money for the repairing of the Londonderry Bridge, and contains various other provisions with respect to the undertakings of the Commissioners.

II. NORTH AMERICA.

1. DOMINION OF CANADA.

[It is hoped to publish the Summary of Legislation in the next *Review*.]

2. ALBERTA.

[*Contributed by* JOHN D. HUNT, ESQ., *Clerk of the Executive Council*.]

The first session of the Fifth Legislature of the Province of Alberta was opened by His Honour Lieutenant-Governor Brett on Thursday, the 2nd day of February, and came to a close on Tuesday, the 28th day of March, 1922.

Agricultural Relief.—By c. 66 the Government may advance goods, which include grain, feed, hay, fodder, flour or any other necessary, to farmers outside municipal districts, taking chattel mortgage or land mortgage or both as security. A chattel mortage on live-stock is given priority over all other chattel mortgages, executions, rent and taxes. Land mortgages are given priority over all other encumbrances except taxes, first mortgages and liens held by the Province.

Prairie Fires.—By c. 76 the Minister of Agriculture may appoint fire guardians and a Chief Fire Inspector. All justices of the peace, members of the provincial police, Royal Canadian Mounted Police, Dominion Forest and Fire Rangers and Councillors of Municipal Districts shall be *ex-officio* fire guardians. The reeve shall be *ex-officio* chief fire guardian of his municipal district.

Any fire guardian may notify male persons over sixteen and under sixty-five years of age residing or being within ten miles of any prairie or ground fire, or within twenty-five miles of any forest fire, to proceed to such fire, taking with them such appliances as they may possess for extinguishing or preventing the spread of fires as are requested by the fire guardian.

Any fire guardian may cause any ground fire in a municipal district not guarded in accordance with the requirements of this Act to be extinguished, and the cost to be paid by the Council and charged against the land as taxes. No person employed in extinguishing any such fire shall be paid more than 25 c. per hour or 50 c. per hour for man, team and implement. A general penalty of not more than $200 and costs is provided for anyone who commits an offence against or fails to comply with the provisions of the Act.

Dairymen.—By c. 75 it is provided that on and after the first day of May 1922 no association, corporation, company, person or firm shall operate a cream station and no person shall deliver cream to or accept cream from any cream station.

No person shall discriminate in the price paid for the purchase of milk, cream or butter fat to one patron and that paid by such person for the same commodity at the same time to another patron, after making due allowance for the difference in grade.

Where the purchaser supplies transportation other than railway transportation the cost shall form a part of the purchase price and be

deducted from the amount payable to the patron. The penalty for unfair discrimination is not less than $50 or not more than $500.

Bills of Sale.—By c. 50 it is provided that the agent may make affidavit of *bona fides* without attaching a copy of his authority to the conveyance.

All assignments by way of mortgage or charge upon book debts must be in writing, have affidavit of witnesses and of *bona fides* and be registered in like manner as a chattel mortgage or bill of sale.

Mines.—It is provided by c. 77 that all wages shall be paid upon a Saturday and at least once a fortnight and shall include all unpaid wages earned before the Saturday preceding the date of payment. Where the Saturday is a holiday, wages shall be paid on the preceding Friday. No owner or manager nor agent of the same shall influence or attempt to influence the choice or appointment of a check weigher or of a checker.

Statute Law Revision.—This Act (c. 49) provides for the adoption and printing of the Statutes and Ordinances of the Province under the name of The Revised Statutes of Alberta, 1922.

Produce Merchants.—By c. 58 it is provided that no person shall act or engage in business as a produce merchant unless he holds a licence therefor. Application shall be made to the Minister with a fee of $10. If the Minister approves, the applicant gives the bond required, but for not less than $1,000, and receives a licence holding good till May 1st following.

Every produce merchant shall keep a record of the name and address of the person from whom he receives produce, the date of its receipt, the kind and quantity of produce received, the date or dates of sale, the quantity sold, the selling price thereof and the expenses incurred, and a report of the same shall, together with the balance due, be mailed to the consignor within five days after the sale of the consignment or any part thereof has been completed. The names and addresses of purchasers shall be supplied by the produce merchant when demanded by the consignor. Any consignor who is not satisfied because of non-compliance by produce merchants with the provisions of this Act may make a complaint in writing to the Minister, who shall cause an investigation to be made and a report thereof shall be given the complainant, which report shall be *prima facie* evidence of the facts therein stated. Any person who violates any provision of the Act or regulations made thereunder shall be liable to a penalty of not more than $1,000 or to imprisonment for not more than one year.

Bureau of Labour.—The Act (c. 80) provides for a Bureau of Labour consisting of a Commissioner of Labour and such other officers, clerks and employees as may be necessary, appointed by the Lieutenant-Governor in Council. The Commissioner of Labour shall perform or superintend such work relating to the collection, assortment and publication of information and statistics affecting labour as he may be directed and shall have the administration of such acts as may be assigned to the Bureau and shall discharge such other duties as may be delegated to him.

Minimum Wage for Women.—C. 81 provides that the Lieutenant-Governor in Council may appoint a Minimum Wage Board consisting of three members, of whom one shall be appointed as representing employers, one employees, and the third the Province at large. The Board may inquire into the conditions prevailing in any class of employment and the scale of wages payable therefor, and in conducting such inquiry

shall have all the powers conferred upon a commissioner under the Act relating to Inquiries respecting Public Matters. The Board may at any time direct a conference between representatives of employees and employers for the purpose of reaching an agreement as to minimum wage, periods of employment and shifts. Every such conference shall consist of an equal number of representatives of the employees and employers, such number to be fixed by the Board. The chairman of the Board shall be chairman of the conference, but shall not vote.

The Board may at any time, by order, establish a minimum wage for employees with regard to any trade or occupation with regard to any Municipality to which this Act applies or to any number of such Municipalities.

Any employer who disobeys any order shall be liable to a penalty not exceeding $500 and not less than $25, and shall also, upon conviction, be ordered to pay any employee the difference between the wage actually received by her and the minimum wage fixed by the Board. In default of payment thereof he shall be imprisoned for not less than two nor more than six months. Every agreement by the employee to work for less than the minimum wage shall be deemed to be at the minimum wage.

This Act shall only apply to employment in Calgary, Edmonton, Lethbridge, Medicine Hat, Red Deer, Wetaskiwin, Blairmore, Camrose, Cardston, Coleman, Drumheller and Redcliff.

Public Highways.—The Act (c. 79) provides for a Highway Commissioner who shall under the general direction of the Minister of Public Works recommend to the Board a system of roads suitable to the needs of the Province. He shall report upon roads in course of construction and recommend appropriate methods of building and maintaining roads, settle and submit to the Board forms of specifications, tenders and contracts, and fulfil such other duties as may be required of him.

There shall be established a Good Roads Board, composed of the Deputy Minister, the Commissioner, and three other members. The Commissioner and the other members of the Board shall be appointed by the Lieutenant-Governor in Council and such Council shall fix the remuneration of each.

The duties of the Board shall be to consider the reports of the Highway Commissioner and to base thereon a classified system of public highways, suitable methods of road construction and maintenance, allocate, subject to the approval of the Minister, all moneys voted for highways or roads, collect and make public useful information on road building and maintenance, make rules as to the use of highways, and generally to carry out the provisions of this Act.

All highways and roads in the Province shall be classified as follows : (*a*) Main highways. (*b*) Market roads. (*c*) Local roads. (*d*) Colonization roads.

Main highways shall be such as are of prime importance either by reason of being trunk channels of communication between cities and towns or with the main travelled roads situate outside and adjoining the Province. The Commissioner shall prepare a route map of each main highway, and after consultation with the Board shall submit such map to the Minister for approval, upon which it shall be forwarded to the Lieutenant-Governor in Council for the establishment of such highway.

The entire cost of the construction and maintenance of main highways

shall be defrayed by the Province in accordance with the methods determined by the Board.

Market roads shall be such roads as are of less general importance, but of outstanding local importance in the marketing of the produce of the area through which it runs. The route map of each market road shall be dealt with the same as if it were a map of a main highway. The entire cost of a market road shall be defrayed by the local authority within whose area the road lies, provided that the Board may direct that other local authorities benefited shall contribute to such cost, and provincial contributions may consist of amounts to that percentage of the costs set out in a schedule to the Act.

Local roads shall be such as are not classified as main highways, market roads or colonization roads. The construction and maintenance of these roads shall be undertaken and paid for by the local authority within whose area the road lies. The Board shall before the working season opens determine what local roads are to be constructed or maintained during the current year in each improvement district and shall also determine, subject to the approval of the Minister, the amount to be expended on each such road.

Colonization roads shall be such roads as may be temporarily established for the development of newly settled districts or for other good reasons. Their construction and maintenance shall be undertaken and paid for by the Department, but no work shall be done except with the prior approval of the Lieutenant-Governor in Council.

Whenever it appears to the Minister that a local road which ought to have been constructed has not been so constructed, or that there has been any omission to keep a market road in a proper state of repair, the Minister may, with the approval of the Board, give notice to the local authority responsible to proceed with the construction of the local road or to put the said market road into a proper state of repair. If within fifteen days after notice the work has not been begun, the Minister may direct any person or persons to proceed with the same and he shall without delay submit to the local authority a statement in detail of the cost, and if the local authority fails to reimburse the Department the amount shall be recovered from the said authority as a debt due to the Crown, or it may be deducted from payments to be made in future to the said authority.

The Minister may from time to time engage or authorize some other person to engage temporary employees to carry out any work prescribed by this Act, and he may, in case of flood or other accident, direct the construction or repair of any bridge, highway or road, the cost of such construction or repair to be apportioned between the Province and the local authority or authorities concerned, as directed by the Board.

The Minister may direct the installation and operation of any ferry and the making of approaches thereto and pay the costs of the same from money voted by the Legislature for that purpose.

Venereal Diseases Prevention.—By c. 57 the section of the Act relating to secrecy with regard to all matters that may come to the knowledge of any person engaged in the administration of the Act is added to as follows: "And in particular shall not in any action or other civil legal proceeding be required to give any evidence touching matters which have come to his knowledge exclusively by reason of such employment."

Warehousemen's Liens.—It is provided by c. 46 that every warehouseman shall without notice have a lien on goods deposited with him for storage, whether deposited by the owner of the goods or by his authority, and where the goods are deposited by a person entrusted with the possession by the owner or by his authority the warehouseman shall have such lien if he within two months after the date of the deposit gives notice of the lien as required by the Act. The lien shall be for the amount of lawful charges for storage, lawful claims for money advanced, interest, insurance, transportation, labour and other expenses in relation to the goods and reasonable charges for notices and for the sale of the goods where default is made. Provision is also made for notice of sale, what the notice shall contain, the advertisement of sale and the disposition of the proceeds of sale.

Sale of Goods in Bulk.— The Bulk Sales Act (c. 47) applies only to sales of traders and merchants and does not affect any sale by executors, administrators, receivers, assignees or trustees, or any public officer acting under judicial process, or traders or merchants selling exclusively by wholesale or an assignment by a trader or merchant for the general benefit of his creditors.

The purchaser of any stock in bulk before paying to the vendor any part of the purchase price exceeding $50, or giving any promissory note or notes or any security for the said purchase price shall demand of and receive from the vendor a written statement verified by statutory declaration, which statement shall contain the names and addresses of all the creditors and the amounts of their claims.

Upon completion of every sale in bulk, one of the following provisions must be complied with :

(*a*) The claims of all the creditors paid in full.

(*b*) The vendor shall produce and deliver a written waiver of the provisions of this Act from the creditors representing not less than 60 per cent. in number and amount of claims exceeding $50.

(*c*) The vendor shall produce and deliver to the purchaser a written consent thereto of creditors representing not less than 60 per cent. in number and amount of the claims exceeding $50.

Where the sale is made with the written consent of the creditors the entire proceeds shall be paid to some person as trustee, who shall distribute the proceeds of sale *pro rata* among the creditors in like manner as moneys are distributed by a trustee under the Bankruptcy Act.

The fees or commission to such trustee shall not exceed 3 per cent. of the total proceeds of such sale and in the absence of an agreement by the vendor to the contrary the same, together with any disbursements made, shall be deducted out of the moneys to be received by the creditors, and not charged to the vendor.

Every sale in bulk in respect of which the provisions of this Act have not been complied with shall be deemed to be fraudulent and void as against creditors, and every payment made on account of the purchase price in any way shall be fraudulent and void as between the purchaser and the creditors of the vendor. If the purchaser has received or taken possession of the stock he shall be personally liable to the creditors for all moneys, security or property realized or taken on account of the sale or other disposition by him of such stock, and in any action brought within six months by the creditor to set aside the sale the purchaser shall be estopped from denying that the stock in his posses-

sion at the time is the stock purchased from the vendor. If any stock then in the possession of the purchaser was in fact purchased by him subsequent to such sale in bulk from some one other than the vendor of the stock in bulk and such stock has not been paid for in full, the creditor shall be entitled to share *pro rata* with the creditors of the vendor.

Game.—It is provided by c. 73 that only one mountain sheep and one goat may now be taken in any year.

Any person holding a licence to kill big game may hunt and kill deer, moose and caribou in the Forest Reserves of the Rocky Mountains in Alberta during September and October upon obtaining a special licence, the cost of which shall be, for a resident of the Province, $2.50, and for a non-resident $25.

No person shall at any time, except under special permit for that purpose, buy, sell, traffic in, or have in his possession an unprime pelt of any mink, muskrat or beaver. If any trapper during the open season takes any such unprime pelt, he shall, when disposing of the balance of his catch, deliver such pelt to a game guardian or forward same to the Department with a statement setting forth the particulars in connexion therewith. The Minister may return the said pelt or may retain it, and at his discretion make payment for it.

No person shall at any time carry a loaded shotgun or rifle in or on, or discharge the same from a carriage, rig, waggon, car, sleigh, hayrack, automobile or other vehicle upon the public highway.

Farmers or sons of farmers residing on their land shall pay the full fee for big game licences.

Water Users' Districts.—C. 87 amends the Act of 1920 by providing that any person who carelessly or wilfully breaks, cuts or fills up or otherwise injures any ditch or property or any other work that is subject to the provisions of this Act shall be liable to a penalty of not more than $100 and costs, and in default of payment to imprisonment for not more than sixty days, and the justice hearing the case may order the offender to repair the damage or remove any obstruction he is responsible for.

Fraudulent or Preferential Transfers.—Subject to certain exceptions mentioned in the Act (c. 45), every gift, conveyance, assignment, transfer or delivery over of any property, real or personal, made by a person when he is insolvent or knows he is on the eve of insolvency (1) with the intent to defeat, hinder, delay or prejudice his creditors or any one or more of them, (2) with the intent to give any creditor preference over his other creditors, or one or more of them, or (3) which has the effect of giving one creditor a preference over his other creditors or one or more of them, and in respect of which action is brought within sixty days thereafter to impeach or set aside such transaction, shall be utterly void as against a creditor or creditors, injured, delayed, prejudiced or postponed thereby.

The above provisions shall not apply to any *bona fide* sale or payment made in the ordinary course of trade to innocent purchasers or parties, nor to any payment of money to a creditor, nor to any *bona fide* conveyance, assignment, transfer or delivery over of any goods, securities or property of any kind which is made on consideration of any present actual *bona fide* payment in money or by way of security for any present actual *bona fide* advance of money, or which is made in consideration of any present actual *bona fide* sale or delivery of goods or other property.

Provided that the money paid or the goods or other property sold or delivered bear a fair and reasonable relative value to the consideration thereof.

In case of a valid sale of goods, security or property and payment or transfer of the consideration or part thereof by the purchaser to the creditor of the vendor under circumstances which would render void such payment or transfer by the debtor personally and directly, the payment or transfer, even though valid as respects a purchaser, shall be void as respects the creditor to whom the same is made.

In case a payment has been made which is void under this Act, and any valuable security has been given up in consideration of the payment, the creditor shall be entitled to have the security restored, or its value made good to him before or as a condition of the return of the payment.

Nothing herein contained shall affect any payment of money to a creditor where such creditor, by reason of such payment, has lost or has in good faith given up any valid security which he held for the payment of the debt so paid, unless the value of the security is restored to the creditor, nor the substitution of one security for another of equal value, nor shall anything herein invalidate the security given to the creditor for the pre-existing debt where an advance is made in money to the debtor in the *bona fide* belief that the advance will enable him to continue his trade and pay his debts in full.

If the person to whom the gift, conveyance, assignment or transfer was made has sold the property, the money or other proceeds may be seized in an action by the person who would be entitled to seize it if it had remained in the possession of the debtor, and such right to seize and recover shall exist in favour of all creditors.

Where the proceeds are of a character to be seizable under execution they may be seized under the execution of any creditor, and shall be distributable among creditors under " The Creditors Relief Act."

Where the proceeds realized are not of a character to be seized, an action may be brought to recover the amount, or such other proceedings may be taken as may be necessary to render the said proceedings or the amount thereof available for the general benefit of the creditors.

These provisions shall not apply as against innocent purchasers of any such property.

The Act shall not be deemed to apply in a case where a receiving order or an authorized assignment has been made under the Bankruptcy Act.

Rights and Property of Married Women.—By c. 10 it is enacted that a married woman shall be capable of acquiring, holding and disposing of or otherwise dealing with all classes of real and personal property, and of contracting, suing and being sued in any form of action or prosecution as if she were an unmarried woman. The husband shall not have any right to sue in respect of a tort done to his wife except where and in so far as he has sustained any separate damage or injury thereby.

Hospitals.—The sections of c. 21 relating to the care of the sick and indigent have been repealed, and the following are now the principal provisions governing the same:

The Council shall make provision for the maintenance of its indigent residents and for their care and treatment when sick. The Council may in cases of sudden or urgent necessity make similar provision for indigent or indigent sick persons, who are temporarily within the town, but are

not resident therein. All such provisions for such relief shall be made by a written order, except that such order may be dispensed with (*a*) in respect of medical advice, attendance or medicines given by a medical practitioner to a sick person at a first visit, if he certifies that the case was one of sudden or urgent necessity, or (*b*) in respect of hospital treatment if the superintendent or other medical officer of the hospital certifies that the case was one of sudden or urgent necessity, and if such practitioner or officer forwards to the secretary of the town of which the sick person is a resident a full report of the case. The Council may delegate its duties to a committee, who may authorize each member to issue the written orders mentioned. Where the town assists any indigent person or causes to be treated any indigent sick person not a resident of the town, then the city, other town, village or municipal district of which the said person is a resident, or the Minister of Public Works, if the person is a resident of an improvement district, shall upon demand repay the actual expenses incurred by the Council.

No Council shall be liable for the hospital treatment of any indigent sick person except where such person has been placed in a hospital under the provisions herein set forth. The Council shall pay the hospital board the public ward charge per day for the hospital, which may include ordinary operating-room expenses, drugs, dressings and other necessaries, but shall not include any fee of a doctor. No town shall pay to a hospital in respect of any indigent sick person more than $200, but shall endeavour to collect such charges, and out of any money so collected shall pay the amount of the balance due to the hospital before repaying itself.

In the event of the death of any person so placed in a hospital and his burial at the expense of the hospital, the town of which such person was resident at the time of his death shall repay to the hospital the amount of the said expenses, but not exceeding that fixed from time to time by the Minister of Health.

Any town may enter into an agreement with any hospital for the care and treatment of its residents, and upon any such agreement being entered into the liability of the town shall be governed thereby. No town entering into any such agreement with a hospital shall be liable to any other hospital.

The Minister of Health may make regulations regarding the admission to hospitals of patients suffering from incurable diseases, or diseases necessitating a prolonged stay in hospital, and the amount to be payable to such hospitals in respect of any such patient.

If any resident of a town who is not an indigent person is admitted to a hospital, and the hospital has failed to collect from such person the public ward charges, after exhausting all reasonable methods to do so, the Council of the town shall, upon being notified of such failure, endeavour to collect the amount by the same means as if the said person were an indigent, and shall pay over any amount collected to the hospital.

In the event of any Council failing to make provision for its indigent sick residents, the Minister of Municipal Affairs may make such provisions and may recover the cost thereof from the Council.

Restaurants.—By c. 7 restaurant means any buildings, house, store, booth, stall or erection whatsoever used for the purpose of the business of selling food or drink to be consumed in or about the premises, and includes every refreshment house, public dining-room, public lunch-

room, public tea-room, café, ice-cream parlour, buffet and soft drink bar. No person shall carry on a restaurant after June 1, 1922, without a licence. Application for licence containing information required by the Act and verified by Statutory Declaration shall be made to the Department of the Attorney-General, who may issue a licence for a term of not more than one year, expiring at midnight on May 31, following the date of issue. Renewal of licences may be obtained in a similar way.

No licence shall be granted to any person who has within one year preceding the application for a licence been convicted under the Liquor Act, the Criminal Code relating to gambling houses or the Opium and Drug Act, and every licence granted shall forthwith become null and void upon such conviction, and the licensee so convicted shall be disqualified to obtain a licence for one year from the date of conviction.

The conviction of a servant or agent of any licensee shall be deemed a conviction of the licensee for the purposes of this Act.

The penalty for carrying on a restaurant without a licence is a fine of not more than $100 and costs, and in default of payment imprisonment with or without hard labour for not more than three months.

Women's Institute.—By c. 74 it is provided that the Department may conduct educational lectures, demonstration lectures, short courses, demonstrations or exhibits in conjunction with any women's club or women's society on condition: (*a*) That at least four meetings have been held during the previous year; (*b*) that a membership of at least ten has been guaranteed; (*c*) that a list of officers for the current year has been supplied; (*d*) that a satisfactory financial standing has been established; (*e*) that the club agrees to advertise the course or meetings, provide the place of meeting and make such other arrangements as may be required for the proper conduct of the lectures, demonstrations or exhibits. The said lectures, demonstrations and exhibits may be paid for out of moneys voted by the Legislative Assembly for the purposes of this Act.

Municipal Hospitals.—By c. 31 it is provided that no person taxable in any city, town, village or hamlet shall receive during any year hospital service at a minimum rate, unless prior to the date in such year to be fixed by the board he pays such a sum to the board as, together with the amount paid or which would have been paid by him as hospital taxes for the preceding year according as such city, town or village was or was not during such year included in the hospital district, equals the sum fixed as the annual payment with regard to persons other than hospital supporters by an agreement entered into with individuals under this Act, or if there is no scheme or no annual payment fixed therein, the sum of $6.

Agricultural Pests.—By c. 67 "Pests" shall include any animal, insect or disease which in the opinion of the Department is likely to be destructive to grain or other crops.

Every person in extra municipal areas shall take active measures to destroy all pests upon land owned or controlled by him, and when given specific directions with regard to the same shall obey such directions. Any person failing to take the measures required of him may be served with a notice, which shall describe the land, name of pest or pests with regard to which it is given, and a description of the methods to be followed and the material to be used for the destruction of any such pests. In default

of such person taking the measures required of him within three days after notice, any officer may secure the proper material and take whatever action is necessary to destroy such pests, and a certified account of the expenditure shall be sent to the Department within thirty days after it has been incurred, with a statement of the parcel of land, and if approved by the Minister the account and statement shall be forwarded to the Department of Municipal Affairs and the amount shall be recorded against the land, if situated in an improvement district, as a pest tax, the payment of which shall be enforced in the same way as a tax for improvement district purposes.

Any person may obtain poisoned bait for destroying grasshoppers upon his land by applying for same at a bait-mixing station in the improvement district or municipality in which the land is situated. All persons and all corporations, municipal or otherwise, obtaining bait for destroying grasshoppers upon railway rights of way, roads or along irrigation ditches or elsewhere than upon farm lands, shall pay the cost price of such bait. Persons obtaining the same for use on farm lands shall not be charged for such bait.

Gasoline Tax.—By c. 36 it is enacted that on and after the last day of April 1922 there shall be imposed upon and collected from every vendor of gasoline a tax upon the gross revenue received by him from the sale of gasoline when sold for the first time after its manufacture in, or importation into, the Province.

Medical Profession.—Provision is made by c. 56 whereby the discipline committee shall have power to investigate the facts regarding any medical practitioner, and for cause to impose a fine of not less than $50 or more than $500 or to have the name of the offender erased from the register. Any such decision shall be subject to appeal to a judge of the Supreme Court.

Any person who was practising as a chiropractor upon the 1st day of March 1922, in the Province, shall be entitled to receive from the Registrar of the University an *interim* licence entitling him to practise for one year from said date upon production of evidence that he is a graduate of a School of Chiropractic recognized by the Senate of the University as such.

Liquor Export.—It is required by c. 6 that all liquor in the possession of any person for export shall be kept in an export liquor warehouse, which must be located within an incorporated city, and must comply with strict requirements as to location, doorways and fastenings, and must not be used for any other purpose.

No liquor shall be taken or sent out of any warehouse except for the purpose of exporting the same to some place outside the Province, and all liquor so sent or taken out shall be in sealed containers in a sealed package, labelled on the outside with a label which shall bear the name and address of the shipper, the name and address of the consignee, the name of the carrier, a description in plain language of the contents of such package and the quantity thereof. Every person who, by himself, his servant or agent, receives into any warehouse any liquor whatsoever other than and except liquor manufactured by the owner or occupier of such warehouse from his bonded warehouse or bonded manufactory, or removes any liquor from such warehouse, except for the purpose of direct shipment to a place to which liquor may be lawfully shipped, or permits any liquor to be removed for the purpose of sale or consumption

within the Province, receives or accepts at any place in the Province any liquor for delivery to any other place in the Province, or ships any liquor for export in any other manner than as express or freight by a common carrier, by water or railway, or by such other means of transportation as may be authorized under any Statute of the Dominion of Canada, shall be guilty of an offence, and such liquor, wherever the same may be found, may be seized and dealt with in the manner provided by the Liquor Act.

In any prosecution the burden of proof shall be upon the defendant.

Any person who violates any provision of this Act shall be liable to a penalty of not less than $500, nor more than $2,000 and costs, and in default of payment to imprisonment for not less than three nor more than six months, with or without hard labour.

Every licensed brewer, distiller or compounder, and every person who keeps and stocks liquor for export, shall pay to the Provincial Treasurer an annual tax of $2,000 in respect of each place of business, subject to the provisions hereinafter contained. Every person in charge of a warehouse shall, in the event of the stock on the 1st day of October in any year exceeding one thousand gallons of spirits of the strength of proof of Sykes Hydrometer, also pay an additional tax of $2 for every gallon of strength of proof in respect of the amount by which such stock exceeds such one thousand gallons, and so in proportion for any greater or less strength and for any less quantity than a gallon.

Liquor.—The expression " Druggist " or " Chemist " is by c. 5 defined to mean: (1) Any person who as a registered member of the Alberta Pharmaceutical Association is carrying on business as a chemist or druggist on his own account; (2) any partnership carrying on the business of chemists and druggists in which at least 51 per cent. of the beneficial interest is held by one or more members of the Alberta Pharmaceutical Association, who shall be actually and personally engaged in the conduct of the business of the partnership; (3) any incorporated company engaged in the business of chemists and druggists which maintains a separate department for dispensing doctors' prescriptions and the sale of poisons under the sole control of one or more members of the Alberta Pharmaceutical Association.

The Lieutenant-Governor in Council may from time to time (*a*) prescribe and fix the maximum amount of liquor which a vendor may sell to any class of privileged persons, or to any named privileged person during any named period; (*b*) prescribe and fix the maximum number of prescriptions which may be issued by a physician during any named period; (*c*) prescribe and fix the maximum amount of liquor which may be prescribed by a physician in any one prescription; (*d*) prescribe and fix the maximum amount of liquor which may be sold by a vendor upon any prescription of a physician; (*e*) prescribe and fix the maximum amount of liquor which may be sold by a chemist or druggist upon any prescription of a physician.

Nothing in this Act shall prohibit or make unlawful the manufacturer having in possession, selling or otherwise handling in the ordinary course of business any flavouring extracts made for culinary purposes only, prepared upon any formula approved by the Lieutenant-Governor in Council, notwithstanding that such extracts contain more than 2½ per cent. of proof spirits. No such flavouring extracts shall be sold by retail otherwise than in sealed bottles.

The Lieutenant-Governor in Council may appoint an officer, to be known as the Liquor Act Commissioner, who shall be under the direction of the Attorney-General.

The duties of the Liquor Act Commissioner shall be to promote the compliance with and the enforcement of this Act and any other Act relating to the sale, keeping, having in possession, exporting, transporting, shipping, conveying or otherwise handling or dealing in any liquor, and for the purposes aforesaid shall have and exercise such powers as the Lieutenant-Governor in Council may from time to time direct.

Advertisements.—By c. 4, s. 3, an amendment has been added providing for the destruction or removal of posters, advertisements, lithographs, notices, signs or other drawings, writings or displays which are indecent or have an immoral, degrading or objectionable tendency, and determining the persons by whom such destruction or removal is to be effected, and forbidding the use of any film or slide in connexion with which any such drawing or display is issued, in the event of failure to comply with the order for destruction or removal.

Maintenance Order.—C. 4, s. 12, provides that no person shall be rendered liable as the father of an illegitimate child unless at some time before the birth, or at some time within twelve months from the birth of such child, he is declared to be the father by an order made by a judge of the District Court of the Judicial District in which such person is or resides. Such order may also be made at any time after the birth of the child upon proof that the alleged father within twelve months next after the birth of such child paid money for its maintenance, or at any time within twelve months next after the return to the Province of the alleged father, upon proof, that he ceased to reside in the Province within the twelve months next after the birth of such child.

No such order shall be made unless the evidence of the mother is corroborated in some material particular by other evidence to the satisfaction of the judge.

The order as to the paternity of any child may be included in a maintenance order, or may be made in proceedings expressly instituted for that purpose, and upon the application of the mother or expectant mother.

3. BRITISH COLUMBIA.

[*Contributed by* JOHN HOSIE, ESQ.]

1921 (SECOND SESSION).

Public Acts—52; Private Acts—3.

Apiaries.—C. 2 requires the destruction of all receptacles in which bees have been imported into the Province. The annual registration fee paid to the Government by bee-keepers is abolished.

Boom-chain Brands.—C. 5 establishes in the Forest Branch of the Department of Lands a register for boom-chain brands. Registration of brands is effected by applying in the form prescribed and on payment of one dollar fee.

Bulk Sales.—C. 6 re-enacts the Bulk Sales Act of 1913. Applies only to sales by traders and merchants, and does not affect sales by executors and others for the benefit of creditors, or public officials acting

under judicial process, or merchants or traders selling exclusively by wholesale, or an assignment by a trader or merchant for the benefit of his creditors. The Act requires that when a purchaser obtains from a vendor a statement of his creditors, such statement must include all creditors, however small their claims, showing the amounts owing to each. The burden of proof upholding any sale in bulk rests on the purchaser. Fees allowed trustees must not exceed 3 per cent. The Act limits to sixty days the time within which action may be started.

Companies.—C. 8 provides that where shares are offered by persons or companies not registered in the Province a copy of prospectus or statement and copy of licence of incorporation must be furnished to the Registrar, with such other information as the Registrar may require.

Co-operative Associations.—C. 9 deals with the disposition of profits. Co-operative Associations shall set aside not less than 10 per cent. of net profits as a reserve fund until such reserve fund is equal to the following percentages of the share capital paid up at the date of the apportionment: 30 per cent. where the paid-up capital is $25,000 or less; 20 per cent. where the paid-up capital is not less than $25,000 and no more than $50,000; 10 per cent. where the paid-up capital is not less than $50,000 and no more than $100,000; and such percentage as the Rules require where the paid-up capital exceeds $100,000.

Court of Appeal.—It is provided by c. 11 that when the Court delivers judgment, either party may deposit a duly certified copy thereof with the Registrar or other proper officer of the Court having original jurisdiction, who shall thereupon make the necessary entries thereof; and all subsequent proceedings may be taken thereupon as if the judgment had been given in the last-mentioned Court.

Ferries.—C. 14 gives to the Lieutenant-Governor in Council power to fix special tolls or rates in connexion with through traffic, by way of a joint tariff or otherwise, in the carrying of persons or chattels over ferries.

Fire Marshal.—C. 15 provides for the appointment of a Provincial Fire Marshal and staff. The Fire Marshal's duties are to collect and disseminate information in regard to fires in the Province, to investigate and hold inquiries into such fires when necessary, to investigate conditions under which fires are likely to occur, to study methods of fire prevention, and to make recommendations covering every phase of fire prevention within the Province. The expense of administration under the Act shall be borne by fire insurance companies transacting business in the Province, the sum to be paid by each such company not to exceed in any one year one-third of 1 per cent. of all premiums paid to such company during the preceding calendar year.

Health.—C. 17 empowers medical practitioners under warrant of Health Officers to enter any house or building for the purpose of making inquiry and examination with respect to the health of any person therein and to require the removal of such person to the nearest public hospital. Provision is made for isolation and treatment in cases of infectious disease. In municipalities the costs shall be borne equally by the person so isolated and the municipality; in all other cases by the person isolated and the Provincial Board of Health.

Highways.—C. 18 gives the Minister of Public Works authority to regulate, limit or prohibit traffic on any highway where damage is likely

to be done by reason of extraordinary traffic thereon. Penalties are provided.

Indian Water Claims.—C. 19 provides that the Board of Investigation under the Water Act shall hear and determine Indian water claims in connexion with certain reserves on the Dry Belt. No right to divert, store or use water shall be deemed to have been acquired by length of use or by virtue of any aboriginal or prescriptive right or title, or by virtue of any allotment or recommendation made by any Indian Reserve Commission or Commissioner.

Infants.—C. 20 requires that every Society to whose care children have been committed shall make a monthly report to the Superintendent of Neglected Children, covering particulars of name, nationality and religion of children so committed, names and residence of the parents of such children, the disposition made by the Society of any children, whether by way of adoption or placing in foster homes or otherwise, and stating in each case the name, residence, occupation and religion of the parents by adoption or foster parents of the children so placed.

Forests.—C. 25 gives power to dispose of timber either by public auction or by public tender. Certain old leases which carried a low rental and a low royalty which have not been changed into perpetual licences are given until March 1922 to exchange leases for licences upon payment of one dollar per acre, and will thereafter pay the present licence fees and royalties. Provision is made that all timber from pulp licences used for pulp purposes will pay pulp royalty, while all timber put through the sawmill will pay sawmill royalty. Power is given the Lieutenant-Governor in Council to declare as pulp wood timber that is below the standard of utilization for sawmill purposes, and this class of timber will then come under pulp royalty. The Act brings all official scalers under the Civil Service Act.

Legal Professions.—C. 26 extends to returned soldiers who have begun the study of law since their return the same privileges granted to law students who went overseas, and cuts the regular fees in such cases from $200 to $25.

Government Liquor.—C. 28 forbids the canvassing or taking orders for the purchase or sale of liquor, or the advertisement of liquor by any person other than those by whom such liquor may be lawfully sold within the Province pursuant to the Act. Persons manufacturing and brewing beer are required to put a distinctive label bearing name of manufacturer or brewer upon all bottles and receptacles.

Maternity Protection.—C. 31 brings into operation the "Maternity Protection Act" of the First Session of 1921,[1] which makes provision for the protection of women in employment before and after childbirth.

Mechanics' Liens.—C. 32 removes the provision requiring notice of lien for materials supplied, and such lien shall cease to exist after the expiration of thirty-one days after the completion of the contract.

Mothers' Pensions.—C. 35 places the control of the Mothers' Pensions Act under the Workmen's Compensation Board, and makes provision for the appointment of local advisory boards for the more effective administration of the Act.

Motor Vehicles.—C. 36 requires that all motor vehicles shall slow down to a rate of speed not exceeding ten miles an hour when approaching intersections and crossings. Municipally owned vehicles and trailers are

[1] See *Review of Legislation*, Third Series, vol. v, pt. ii, p. 34.

exempted from registration and licence fees, as are vehicles or trailers owned and used by any person who lost a limb in the Great War. The annual licence fee for vehicles is raised from $15 to $22.50, and a chauffeur's licence is placed at $5.

Municipal.—C. 37 enables Municipalities to borrow money by by-law to redeem obligations which are secured by hypothecation of arrears of taxes; and such by-law shall not require the assent of the electors.

C. 38 provides financial aid for Municipalities as follows:

1. An amount equal to one-third of the aggregate of the annual licence fees collected in respect of motor vehicles other than motor cycles; such moneys to be spent by the municipalities on roads;

2. An amount equal to the aggregate of the taxes collected in respect of moneys deposited for the purpose of betting at race-meetings under the pari-mutuel system.

The moneys will be allotted on a basis of population.

British Columbia Railway.—C. 41 requires that no electric street railway or tramway company shall operate any "one-man" car without the consent of the Minister of Railways.

Summary Convictions.—C. 45 provides that where a corporation is convicted of an offence punishable with imprisonment, the corporation may, in lieu of the prescribed punishment, be fined in the discretion of the justice before whom it is convicted.

Amusements Tax.—C. 47 increases the admission tax at theatres and places of entertainment to 10 per cent. of the price of admission. A similar tax is imposed on admission to race meetings at which betting is carried on under the pari-mutuel system; where no entrance fee is charged or collected at such meetings a tax of ten cents will be imposed.

Income and Personal Property Taxation.—C. 48 consolidates in one Act the Income and Personal Property Taxes, hitherto cared for in the general Taxation Act. Provision is made for a deduction on incomes on account of the Dominion Income Tax, the Provincial Tax being imposed on the income remaining after the Federal Tax has been deducted.

Trustees.—C. 50 empowers trustees, under order of a judge, to expend moneys of a trust estate, or to borrow or raise moneys by way of mortgage upon such estate for the purpose of repairs, erection of buildings, etc.

1922.

Public Acts—86; Private Acts—2.

Interpretation.—C. 1 adds a number of new interpretations, and amends the section dealing with the citation of Acts. Where two or more Acts bear the same title any citation by reference to that short title shall be deemed to be a citation of the latest Act of the Legislature which bears that short title.

Administration.—It is provided by c. 2 that the bond which any person to whom administration is granted may be entered into with such surety or sureties as the Registrar thinks fit, and the Registrar may dispense with the bond where it is sworn that the estate is without debts, or that the Administrator is the beneficiary, or where all parties who are or may be beneficially interested in the estate consent thereto in writing.

Adoption.—C. 3 provides that where it is proposed to adopt an

illegitimate minor and the whereabouts of the mother is unknown to the applicant, the Provincial Secretary may dispense with the consent of the mother to the granting of the certificate of adoption.

Pound District.—C. 4 gives the Minister of Finance power to recover in any Court the amount paid out of Consolidated Revenue Fund for any fees or expenses incurred respecting any impounded animal.

Electric Railway Passenger Rates.—C. 8 provides for the regulation of passenger fares chargeable by the B.C. Electric Railway Company. Upon application by a Municipal Council, by the company concerned, or by one hundred or more provincial voters, the Lieutenant-Governor in Council may appoint a Commission under the Public Inquiries Act to inquire into complaints. The scope of inquiry may cover quality and performance of service and rates charged, and the Commission may fix rates and order such changes as are deemed necessary. Appeal may be had from decisions of the Commission, and the Commission shall make an order in accord with the decision of Court of Appeal.

Children of Unmarried Parents.—C. 9 provides for the maintenance of children of unmarried parents. The Superintendent of Neglected Children is charged with the duty of seeing that no child born out of lawful wedlock is neglected, and every district registrar is required to notify the Superintendent of the birth of such children. The mother, or the next friend or guardian of the child, or the Superintendent may apply for an order requiring a putative father to support the mother and child.

Codling-moth Control.—C. 10 provides for the control and extermination of the codling-moth. A sum not exceeding $20,000 may be spent in any one year for this purpose by the Minister of Agriculture. Sums so spent may be recovered by an assessment upon the fruit lands benefiting by the treatment.

Companies.—Company promoters are by c. 11 required to furnish investors with the fullest possible information as to the financial standing, etc., of their companies.

Trust Companies.—It is provided by c. 12 that no municipality shall have power to impose on a registered trust company any licence fee or tax.

Conditional Sales.—C. 13 makes uniform with the other Provinces of Canada the law respecting conditional sales of goods.

Constitution.—C. 14 makes it permissible for a member of the Legislative Assembly, who is not a member of the Executive Council, but who formerly occupied the position of Attorney-General, to act as counsel for the Crown in any action which was pending at the time he demitted the office of Attorney-General, and to receive remuneration therefor.

Supreme Court.—Power is given the Court by c. 16 to commit a judgment debtor who fails to pay.

County Courts.—C. 17 deals with the concurrent jurisdiction in probate of Supreme and County Courts.

Inferior Courts Practitioners.—C. 18 provides that the Act shall have no application within the territorial limits of any incorporated city or municipality where two or more barristers or solicitors are in actual practice, thus eliminating the unqualified attorney in such places.

Creditor's Relief.—Any creditor, whether a judgment creditor or not, who attaches a debt shall be deemed to do so for the benefit of himself and all creditors under this Act (c. 19).

Dyking Assessments Adjustment.—C. 21 does away with the system of tax sales and substitutes a system of automatic forfeiture. The excessive costs of advertising and the cumbersome method laid down in the Act for tax sales is eliminated. The Inspector of Dykes is authorized to purchase machinery for the use of two or more dyking districts, the cost of operating such machinery to be assessed against the respective districts, together with a rental to be fixed by the Inspector.

Electrical Energy Inspection.—C. 23 provides for the inspection and regulation of premises and equipment for the generation, transmission, supply and use of electricity. Government Inspectors are given wide powers under the Act, and penalties are provided for obstruction of Inspectors, for violation of orders prohibiting use of dangerous equipment, for selling prohibited equipment, and for improper installation of equipment.

Factories.—C. 25 regulates hours of work in laundries run for profit and is aimed at making Orientals comply with white standards of working conditions. In future no laundries may be open for work on holidays, nor on days other than holidays except between the hours of 7 a.m. and 7 p.m.

Game.—C. 27 provides that the Game Conservation Board shall have general concern with matters relating to game, including the importation, propagation and distribution of game. Members of the Board shall receive no remuneration for their services, but shall be paid their "actual and reasonable" expenses in the performance of their duties.

Highways.—C. 30 declares all existing travelled roads, upon any portion of which public money has been spent, to be public highways.

Infants.—C. 31 increases the amounts payable by the Provincial Government and by the municipalities in support of indigent children placed in foster homes by Children's Aid Societies, and raises from fourteen to eighteen the age at which such maintenance shall cease.

Fire Insurance.—C. 32, in addition to minor amendments, provides for the licensing of underwriters' agencies.

Insurance.—C. 33 provides that, notwithstanding anything contained in any general or special Act of the Legislature, no municipality shall have power to impose on any insurance company licensed under this Act any licence fee or tax for carrying on its business.

C. 34 makes uniform with the other Provinces the law respecting conditions in policies of Accident and Sickness Insurance.

C. 35 makes uniform with the other Provinces the law respecting conditions in policies of Automobile Insurance.

Iron-ore Deposits.—C. 36 ratifies and makes provision for the carrying out of an agreement between the Dominion and Provincial Governments with reference to the examination of iron-ore deposits in British Columbia, and an appropriation of $50,000 is made for this purpose.

Jury.—By the simple expedient of defining the word "person" to mean those of either sex, the Act (c. 38) places equal responsibility upon men and women for jury duty, with the proviso that no woman who has stated her unwillingness to be called for such duty shall be so called.

Land Registry.—C. 39 provides that, in case of a transmission of property by reason of death, the Registrar may, where hardship might otherwise ensue, accept application for the registration of title to a portion of the property.

Land Surveyors.—C. 40 increases the fees and makes more severe the standards of examination for land surveyors.

Forests.—It is provided by c. 41 that a "free-use" permit to cut timber without payment of stumpage or royalty may be granted at discretion of Minister of Lands to settlers, school trustees, free miners and others, on properties not exceeding 160 acres in extent. The strictness of provisions governing payments in respect of timber licences in cases of default through misunderstanding, mischance, or unforeseen delays, may be relaxed by order of the Lieutenant-Governor in Council. It is obligatory upon persons engaged in timber cutting to control and extinguish fires occurring in their immediate neighbourhood, at their own expense and to pay the wages of their workmen who are so employed; with the proviso that the cost may be afterwards paid by the Forest Protection Fund upon inquiry into all the circumstances. The Lieutenant-Governor in Council may by Proclamation cause to be closed any district where a forest fire endangers life and property, and any authorized officer of the Department may summon any male person between the ages of eighteen and sixty to work in controlling and extinguishing such fire. The Lieutenant-Governor in Council may make regulations requiring any person carrying on lumbering operations to maintain at his own expense fire-fighting equipment, and to provide the necessary fire-prevention officers.

Pre-emptors' Free Grants.—C. 42 extends the time in which returned soldiers who were entitled to the benefits of the Act may make application for a free grant of their pre-emptions.

Legitimation.—C. 43 makes legitimate the child of parents who have been married since the birth of the child. The Act is made retroactive to include all illegitimate children born before the passing of the Act.

Insurance Agents Licensing.—C. 44 provides for the licensing of insurance agents and adjusters. The Superintendent of Insurance is charged with the administration of the Act, issuing, suspending and cancelling licences and imposing penalties upon non-licensed persons acting as agents or adjusters. Appeal may be had from decisions of the Superintendent, and the judge's decision shall be final.

Government Liquor.—Prices of permits to purchase liquor at Government Liquor Stores are reduced by c. 45. Heavier penalties are prescribed for infractions of the Act. The licence fee for persons importing liquor into the Province for export is increased from $3,000 to $10,000, with an additional $10,000 for each person for whom the person carrying on the export business acts as agent. One-half of the profits under the Act shall be paid into the Consolidated Revenue Fund for the public service of the Province, 15 per cent. to hospitals and eleemosynary institutions, and 35 per cent. to the municipalities on the basis of their population, two-sevenths of which latter percentage shall be applied to school purposes.

Loan.—C. 46 authorizes a loan of $3,500,000 for the purposes of the "Land Settlement and Development Act," the "Soldiers' Land Act," the "Water Act," and for the purchase of land and the erection of public buildings.

Medical.—C. 48 provides for the examination and licensing of chiropractors by an examining board composed of three members of the College of Physicians and Surgeons of B.C., and two chiropractors. Prescribes subjects of examination for chiropractors as: anatomy,

physiology, chemistry, pathology, histology, neurology, physical diagnosis, gynæcology, hygiene, principles and practice of chiropractic.

Coal and Petroleum.—C. 49 provides relief in relation to certain licences and leases. All arrears will be funded and 25 per cent. of them paid in cash when an application for relief is made. The balance shall be paid in three annual instalments, together with current fees. The Act also provides that those lessees who have complied with the requirements of the Relief Act of 1915, and who must in the near future apply for a Crown Grant of their holdings, shall be allowed to make the capital payment in instalments.

Motor Vehicles.—C. 50 repeals the section which enacted the speed-limit of ten miles per hour when approaching a crossing or street intersection in villages, towns, cities and municipalities.

Village Municipalities.—C. 52 incorporates a model set of regulations for the Councils of village municipalities and an outline of suitable and simple machinery for small municipalities seeking a form of municipal government for communities of from 750 to 1,000 persons.

Parents' Maintenance.—C. 57 provides for the maintenance of dependent parents by their children. A maintenance order may be made by a magistrate requiring a son or a daughter to pay a sum not exceeding $20 weekly for the support of a dependent parent. The magistrate is given power to review and vary the order on change of circumstances of parent or of person paying.

Provincial Home for Incurables.—C. 60 provides for the establishment and maintenance of a Provincial Home for persons afflicted with incurable bodily disease or disability. Regulations may be made determining the amounts to be paid by municipalities for maintenance in the home of patients for such municipalities.

Public Schools.—C. 64 consolidates and amends the Public Schools Acts of the Province.

Shops Regulation.—C. 65 gives Municipal Councils power to pass by-laws permitting the closing of shops at 5 p.m. instead of 6 p.m. The effect of an amendment to s. 5 of the main Act is that the Oriental is eliminated in the matter of voting upon such early closing by-laws.

Succession Duty.—C. 72 reduces from $5,000 to $1,000 the amount of estate exempted from succession duty, and from $25,000 to $10,000 the amount exempted passing by will to a widow, children or other relative.

Taxation.—C. 75 amends and consolidates certain Acts relating to the assessment, levy and collection of Taxes on Property and Income. It is divided into sixteen parts as follows: General provisions; Taxation of Land; Taxation of Income; Taxation of Personal Property; Taxation of Salmon Canneries and Whale-oil Manufactories; Taxation of Coal and Coke; Taxation of Mines and Minerals; Taxation of Crown-granted Mineral Claims; Taxation of Certain Corporations, such as insurance, loan, telegraph, express, gas, electric power and lighting companies; Taxation of Banks; Taxation of Railways; Assessment Rolls; Courts of Revision; Recovery of Taxes; Administration of the Act; Miscellaneous.

Poll-tax.—C. 76 safeguards a person when he has once paid a municipal or provincial poll-tax in any one year from having to pay again should he move to another municipality or district.

University.—C. 80 requires the Board of Governors not to incur any

liability nor make any expenditure beyond the amount unexpended of the grant made to the University by the Legislature and the estimated revenue for the current year, unless an estimate thereof has been first submitted to and approved by the Lieutenant-Governor in Council.

Warehousemen's Lien.—C. 82 makes uniform with that of the other Provinces the law respecting Warehousemen's Liens.

Woodman's Lien for Wages.—C. 85 provides that there shall be no lien upon manufactured lumber purchased in the ordinary course of business.

Workmen's Compensation.—C. 86 increases scale of compensation for burial expenses from $75 to $100. For permanent total disability and permanent partial disability compensation is increased from 55 per cent. of workmen's average earnings to 62½ per cent. Sulphur poisoning (coal-mining) is added to the list of industrial diseases for which compensation is payable by the Workmen's Compensation Board.

4. MANITOBA.

[*Contributed by* ERSKINE W. IRELAND, ESQ.]

Public Acts—70; Private Acts—5.

Of the 75 Acts enacted for 1922, 27 are amending Acts and 48 cover new legislation.

Welfare of Children.—C. 2 is a very lengthy Act. It is to come into force on proclamation by the Lieutenant-Governor in Council. It provides for the repeal of "The Children's Act," "The Infants' Act," "The Illegitimate Children's Act," ss. 15 and 16 of "The Humane Societies Act," and s. 337 of "The Public Health Act" with all their respective amendments.

The preamble of this Act recites the following: "Whereas this Legislature by legislation assented to March 9, 1917 (7 Geo. V, c. 89), provided for a Public Welfare Commission which among other matters was charged with the duty of reporting on conditions affecting child life within the Province and of making recommendations in respect thereto; and whereas the said Commission, after prolonged and careful consideration, has advocated a consolidation of the laws of the Province relating to children and the establishment of a department of public welfare within which shall be provided a branch dealing with child welfare through which the responsibility of the Province towards its child citizens may be more adequately recognized and discharged to the end that neglect of children may be minimized and a higher standard of child care inculcated and established throughout the Province."

The Act is divided into eleven parts.

Part I provides for a Department of Public Welfare, to be presided over by the Minister of Public Welfare appointed by the Lieutenant-Governor in Council. Provision is also made for the appointment by the Lieutenant-Governor in Council of a person to be known as the Director of Child Welfare. His duties are to encourage and promote the conservation of child life in Manitoba, to encourage the formation of child welfare associations, children's aid societies and child welfare committees and to assist in their organization, to have supervision over all children who are wards of the Province, to secure a system of suitable

foster homes, boarding homes and probation homes adapted to the needs of children under supervision, to sanction and ratify all agreements entered into in respect of the adoption of children except in cases of absolute adoption, to visit and inspect foster homes, boarding homes, probation homes, temporary homes, receiving homes, detention homes, situations shelters, industrial homes and institutions in which children are cared for, and to submit an annual report to the Minister. A Board of Selection consisting of not less than five, and not more than seven, members, one of whom shall be a Roman Catholic, may also be appointed. The Board is to serve without remuneration and is to make or cause to be made a study of the physical, mental and moral status of children who are wards of the Province and who have been sent to the receiving home into which any neglected or feeble-minded child may be received.

Part II provides for the establishment of a Juvenile Court for the purpose of dealing with juvenile delinquents.

Part III relates to neglected children, and a number of cases are enumerated in which a child may be apprehended without a warrant. The director or the executive officer of a society in charge of a shelter to which a child has been brought must notify the parents or guardian of the child and may permit such child to be returned to his or her parents or guardian, but in the absence of such permission the child is to be brought before a judge of a Juvenile Court or a police magistrate for examination, and the judge is to investigate the facts and ascertain whether the child is a neglected child, and he may order the child to be returned to his or her parents or guardian or to be committed temporarily or permanently to the care and custody of the Director of Child Welfare and to be sent to an industrial school, etc.

Under Part IV of this Act a pregnant unmarried woman may lay an information before a judge of the Juvenile Court or a justice of the peace stating the name of the alleged father, against whom an order of filiation may be made.

Parts V, VI and VII contain provisions relating to feeble-minded and other mentally defective children, handicapped children and immigrant children. It is provided that when any immigrant child is placed in the Province by any organization or agent, such immigrant child shall be enrolled as a ward of the Province, and every such organization or agent shall be responsible for the maintenance of any immigrant child placed or caused to be placed in the province by such organization or agent. Penalties are provided for bringing children into the Province unlawfully or for knowingly bringing defective or delinquent children into the Province.

Part VIII relates to child welfare organizations and their incorporation.

Part IX relates to the adoption of children. Any person desiring to adopt a child must make application to the Director for permission to do so.

Part X relates to the guardianship of children. Guardians may be appointed in the Surrogate Courts of the Province, or in the Juvenile Court. It is provided that when a minor over the age of sixteen years who has no parent or legal guardian, or who does not reside with his parent or guardian, enters into an agreement, written or verbal, to perform any service or work, he shall be liable upon the same and shall have the benefit thereof as if he had been of legal age, provided that in the case

of any minor under the age of eighteen years the director may declare such agreement null and void on satisfactory evidence of injustice or that advantage has been taken of the inexperience of such infant.

Part XI contains general provisions as to child welfare.

Fodder Loans.—The preamble of c. 9 recites that unfavourable conditions have caused a shortage of crop in certain municipalities in the province and that as a result many farmers in such Municipalities are without the means of securing necessary supplies of fodder and that it is deemed expedient that authority be given to such Municipalities to assist such farmers. Any Rural Municipality may borrow up to $50,000 by promissory notes or by the issuing of debentures for the purpose of furnishing fodder to farmers. Provision is made for the manner in which a Municipality may secure repayment of its advances. The Lieutenant-Governor in Council may by order in council authorize the Provincial Treasurer to pay to any Municipality out of the funds of the Province a sum not exceeding 50 per cent. of the moneys lost by such Municipality in carrying out the provisions of this Act.

Utilization of Lignite.—C. 16 ratifies certain agreements between the Government of the Dominion of Canada and the Governments of the Provinces of Manitoba and Saskatchewan.

In 1918 the Government of the Dominion and the Governments of the Provinces of Manitoba and Saskatchewan had entered into an agreement by which they agreed to contribute certain sums for the purpose of establishing an experimental plant for the utilization of lignite. The original estimate was $400,000. The Government of Canada agrees to pay an additional amount not exceeding $140,000 and each of the Governments of the Provinces of Manitoba and Saskatchewan agrees to pay an additional amount not exceeding $70,000 as the later estimates show that the required plant will cost approximately $680,000.

Loans for Seed Grain.—The preamble of c. 18 recites that there are certain localities in the Province in which damage has been sustained by persons engaged in agricultural pursuits to such an extent as to render them unable to procure seed grain for use in the year 1922, and that it is expedient to provide means whereby the said persons may obtain seed grain.

The Act provides that any Municipality may borrow up to $60,000 for the purpose of furnishing seed grain to farmers therein or to the wives or other representatives of persons therein, being the owners of land, who served or volunteered or were called upon to serve in aid of His Majesty and his allies in the late war, who are unable to procure the same, by promissory notes or by the issuing of debentures. Municipalities may expend up to $1,000 upon any one individual.

Soldiers' Property Relief.—C. 20 empowers the Council of every Municipality, on being satisfied of the good faith and merit of any application or claim for exemption from taxation or upon the certificate of a County Court Judge, to exempt or partially exempt from taxes, cancel the unpaid taxes or penalty, refund the taxes or penalty paid and withdraw or redeem from tax sale up to but not exceeding $75 for each year or portion of a year, the property of any soldier, his widow or dependent, the orphan child of any soldier, the widowed mother of any deceased soldier, if at the time of his death she was wholly or partially dependent upon him for her support, any soldier in receipt of military pension for partial or total disability, and any soldier who after discharge

is admitted to or confined in any military hospital—due wholly or partially to war service.

The Act is retroactive, being construed as if all the provisions thereof had been in full force and effect on from and after the 4th day of August, A.D. 1914.

Finance.—C. 21 authorizes the raising of $500,000 for the purpose of expenditure upon Hospitals, the University, the School for the Deaf and the Parliament Buildings.

C. 22 authorizes the raising of $957,500 for the purpose of making various capital expenditures.

Cc. 23 and 24 are Acts for granting to His Majesty certain sums of money for the Public Service for certain terms.

Bureau of Labour.—C. 1 contains a small amendment. The Lieutenant-Governor in Council may transfer from the Department of Public Works to such other department as he may determine " The Bureau of Labour."

Distress.—C. 3 amends " The Distress Act " by adding the following section :

5A. The following chattels shall be exempt from seizure under any landlords' warrant of distress, namely :

(*a*) The beds, bedding and bedsteads (including perambulators or cradles) in ordinary use by the debtor or his family ;

(*b*) The necessary and ordinary wearing apparel of the debtor and his family ;

(*c*) One cooking stove with pipes and furnishings, one other heating stove with pipes, two towels, one wash-basin, one kitchen table, one tea-kettle, one teapot, one saucepan, one frying-pan, and for each member of the family the following : one chair, one cup and saucer, one plate, one knife, one fork, one spoon ;

(*d*) All necessary fuel, meat, fish, flour and vegetables for the ordinary consumption of the debtor and his family for thirty days ;

(*e*) The tools, agricultural implements and necessaries used by the debtor in the practice of his trade, profession or occupation to the value of $300.

(*f*) Fifty volumes of books, the books of a professional man, one axe, one saw.

Dower.—C. 4 is a short amendment which reads as follows :

23A. " When any consent to a disposition or proof relative to a disposition has been given in writing in the form prescribed by this Act, no further consent or proof shall be necessary under this Act in respect of any instrument required to be executed pursuant to or in performance of said disposition, and the said Act shall be construed as if this section had always formed part of it."

Elections.—C. 6 is an Act to amend " The Manitoba Election Act." This provides that the voting in all the electoral divisions shall take place on the tenth day next after that of the nomination of the candidates.

Hospital Aid.—The 1922 amendment (c. 11) provides that where any beneficiary who, under the Act, has received any relief from any Municipality, is the owner of real property or of any estate or interest therein, a statement by the Attorney-General certifying that such person has received or is in receipt of moneys under the provisions of the Act may be registered in any Registry Office or Land Titles Office of the Province, which statement shall from the time of such registration bind and form

a lien and charge for such amount or amounts on all the lands of such person in the several registration and land titles districts in which it is registered to the same extent and with the same effect as if such statement were a judgment registered under "The Judgments Act," save that the same need not be renewed from time to time but shall remain in full force and effect until discharged.

Housing.—The amending Act (c. 12) provides that any Municipality which has in its possession any moneys borrowed from the Province under the Act may expend such moneys in making advances from time to time to any totally disabled veteran or his wife or the widow of any veteran for the purpose of erecting a home for herself or her family up to the full value of the land and buildings.

Jury.—The amending Act (c. 13) reduces the number of the Grand Jury from eighteen to twelve.

Public Officers.—C.14 amends "The Manitoba Public Officers' Act" and substitutes a new form of oath of allegiance: "I, ... do swear that I will be faithful and bear true allegiance to His Majesty King George V (or the reigning sovereign for the time being) his heirs and successors, according to law."

Public Schools.—The amending Act (c. 15) provides for the repeal of paragraph *m* of s. 57 of this Act, which required trustees of rural school districts to dismiss from the school any pupil who should be adjudged by the trustees (or a majority of them) and by the teacher, so refractory that his presence in school would be deemed injurious to the other pupils. The 1922 amendment empowers the trustees "to suspend or expel from school any pupil who upon investigation by the trustees is found by them (or by a majority of them) to be guilty of conduct injurious to the welfare of the school."

School District of Winnipeg No. 1 is authorized and empowered to establish a by-law and maintain and administer a superannuation or pension fund for officers and employers of the said school district other than teachers as defined in "The Public Schools Act" and may include superintendents and assistant superintendents of the said school district, and for that purpose the school district may from time to time make regulations governing the said fund.

5. NEW BRUNSWICK.

Acts Passed: Public—98; Local, 34; Private—64.

Taxation of Liquor Exporters.—No 3 is an Act regulating dealings in, and the storage of, intoxicating liquor, held or kept in any place in the Province for export to a place outside. At the same time, it regulates the inspection of any warehouse used for that purpose, and provides for a tax on the business of dealing in intoxicating liquors for export.

Education.—No. 5 is a comprehensive Consolidation Act, which repeals the whole of 33 Acts passed since the previous Consolidation in 1903. The drafting of the Act is a methodical piece of work, so that it begins with a series of definitions, and provides for the regulation of the educational system under a Board of Education, whose principal official is the Chief Superintendent of Education acting also as President of the Senate of the University of New Brunswick.

The Board has power to deal with the whole of the training of teachers,

and among the details it may be noted that it can advance loans to students to a sum not exceeding $400.

The Act also makes provision for the system to be carried out by local authorities and the assistance to be rendered to poor districts. It covers the details of school meetings, of electing trustees dealing with the arrangements within school districts, and provides for the term of office, qualification, corporate rights of the trustees, together with their duties and powers in respect of school property.

The Act then proceeds to deal with the schools and requires that trustees shall provide school privileges free of charge for all children from six to twenty years of age. Persons above that age, who desire to attend school in the district in which they reside, shall have the right to do so free of charge, if there is sufficient accommodation.

The Act also sets out in some detail the duties of teachers and requires them to have a care to the health and comfort of the school, such as to enforce cleanliness and to enlist the co-operation of the Medical School Inspector.

Provision is also made for secondary education by means of Superior and Grammar Schools. Special arrangements are made for dealing with the towns of St. John and Fredericton, and also for certain incorporated towns.

All schools conducted under the provision of the Act are non-sectarian.

Provision is made for manual training and Nature study, and, in connexion with the latter, duly qualified teachers are required to give instruction in Nature lessons in connexion with the school gardens, which are under the general supervision of a Director of Elementary Agricultural Education, who is responsible to the Minister of Agriculture.

Barristers.—No. 6 authorizes the Barristers Society to expend its funds on the same lines as the Barristers Benevolent Fund in England.

Motors.—An amendment (No. 16) of the motor vehicle law of 1915 deals with what are known in the Province as Jitny Buses, and requires proprietors or builders of such vehicles to give bonds or other securities to persons or property which may be damaged by their operation.

Women's Institutes.—No. 18 is an Act establishing women's institutes with the motto, " For Home and Country."

The object of women's institutions is non-sectarian and non-partisan, and the improvement of useful conditions in rural and other communities by means of:

(*a*) The study of household science, including cookery, dietetics, sanitation, home nursing, house furnishing, sewing, house management, child welfare, emigration, legislation, etc.

(*b*) To develop a community spirit with the object of improving educational, moral, useful and economic conditions in the life of the community.

(*c*) To create a deeper and more permanent interest in the agricultural learning among its members and others of the community who are interested in such work.

(*d*) The holding and establishment of administration lectures, short-course schools, travelling and other libraries, exhibitions, competitions, meetings, conventions, and such other utilities and attractions as may from time to time be deemed useful for the promotion of the foregoing objects or any of them.

An institute may be organized upon the petition of not less than

eight women, married or single, at least eighteen years of age, who are to pay 25 cents as their first annual subscription. The application is to be forwarded to the superintendent of women's institutes, who takes the necessary steps to authorize further action in the organization of the institute, enlisting of members, the appointment of officers, the election of committees and the regulations of meetings.

In connexion with the women's institutes there may be junior women's institutes formed by fifteen or more girls between the ages of fourteen to eighteen years inclusive, whose objects are analogous to those of the organization for older women.

Scalers.—No. 30 sets forth the conditions for the examination of licensing of scalers, who are defined to be persons employed in or engaged in measuring logs for building or other purposes cut upon Crown lands or subject to any dues for the purposes of administration of revenue.

Agricultural Products.—No. 34 is a measure to provide for the incorporation of Associations for the co-operative marketing of farm products, and enables ten or more persons to associate themselves together for the purpose of marketing eggs, poultry, live-stock, or other farm products.

6. NOVA SCOTIA.

[*Contributed by* F. F. MATHERS, ESQ., *Deputy Attorney-General.*]

Trust and Loan Companies.—C. 3, an Act respecting Trust Companies and c. 4, an Act respecting Loan Companies are what might be termed Companies Clauses Acts in relation to Trust Companies and Loan Companies respectively. They are very similar to Acts on the same subject enacted by the Parliament of Canada and relating to Trust Companies and Loan Companies incorporated by or under the authority of an Act of the Parliament of Canada.

Cc. 3 and 4 relate of course to companies incorporated by legislation of the Legislature of Nova Scotia.

A short form of model Special Act of Incorporation is provided in each of these chapters, and there is a provision in each of the chapters that when a company is incorporated by Act in that form it shall be a body corporate invested with all the powers, privileges and immunities and subject to all the liabilities and provisions set forth in c. 3 or c. 4 as the case may be.

Provision is made in both of these chapters for the protection of persons dealing with the company; for example, that the company may only invest its funds in certain investments; that an annual statement of the company's affairs must be filed each year with the Government; that a Government Inspector shall each year visit the head office of the company and examine carefully the statements of the conditions and affairs of the company; that if the result of the examination shows that the assets of the company are insufficient to justify its continuance in business the company may be prevented from transacting further business.

Rule of the Road.—C. 14, an Act to amend c. 81, Revised Statutes, 1900, "Of the Use of Roads," and c. 40, an Act to amend c. 12, Acts of 1918, "The Motor Vehicle Act, 1918," and Acts in amendment thereof, change the rule of the road in Nova Scotia by providing that traffic and so forth shall keep to the right instead of as formerly to the

left, thus bringing the Province in line with the rule that is practically universal throughout the North American Continent.

Probate.—C. 17, an Act to amend c. 158, Revised Statutes, 1900, "The Probate Act," makes a woman eligible for appointment as a Registrar of Probate, Deputy Registrar of Probate or Acting Registrar of Probate.

Although fifty public Acts were passed during the session of 1922, none of them, except those mentioned, appears to have any interest in connexion with comparative legislation.

7. ONTARIO.

[*Contributed by* JOHN D. FALCONBRIDGE, ESQ., K.C.]

Acts passed—154; Public—104; Private—50.

The third session of the fifteenth legislature of Ontario extended from February 14 to June 13, 1922. The annual volume of statutes runs to 920 pages, exclusive of index, but nearly 200 pages are occupied by private Acts and 300 pages are occupied by the Consolidated Municipal Act, 1922 (c. 72)—a consolidation rendered useful, if not necessary, by the annual amendments of the revised statute of 1914.

Taxation.—Financial measures designed to increase the provincial revenues include Acts amending the Mining Tax Act (c. 11), the Corporations Tax Act (cc. 12, 13 and 14), and the Land Transfers Act (c. 15), Chapter 12, *inter alia*, provides:

> Every incorporated company, association, or club becoming the custodian or depositary of any money, bet, or stakes during the actual progress of a race meeting conducted by and on a race-course of such company, association, or club upon races run thereon, shall as the agent of the Treasurer of Ontario, deduct and pay to the Treasurer of Ontario, for the uses of the Province of Ontario, 5 per cent. of the amount so bet or staked, to be deducted in respect of each race from the total amount of money so deposited or of which the club or association becomes the custodian under the pari-mutuel system, the amount so deducted to be forwarded to the Treasurer of Ontario at the close of each day's racing.

Proceedings having been taken by way of injunction to prevent the enforcement of the collection of this tax, the Legislature, eight days after the coming into force of the Act, by c. 13 enacted that no remedy by way of injunction or mandamus should lie, stayed the proceedings already commenced, and declared the "true intent and meaning" of c. 12 to be that each holder of a winning ticket issued under the pari-mutuel system should pay a tax of 5 per cent., and that the tax should be collected by the company, association, or club as agent of the Treasurer of Ontario by deducting the amount of the tax and paying it over to the Treasurer of Ontario. In the following month, by c. 14, similar obligations were imposed upon any person or company enjoying betting privileges or operating pari-mutuel machines upon or in connexion with a race-course under a lease or arrangement from, or by permission of, a company, association, or club conducting a race meeting, and in case of default in deducting or paying over the tax the provincial police were authorized to stop all racing upon the track in question or the

holding of any further race meeting by the company, association or club.

Restrictive Covenants.—In the case of land registered under the Registering Act, where there is annexed to the land any condition or covenant that the land is not to be built on or is to be, or is not to be used in a particular manner, etc., the condition or covenant may be modified or discharged by a judge on proof to his satisfaction that the modification will be beneficial to the persons principally concerned (c. 53). In the case of land registered under the Land Sites Act, the Court already possessed the power to modify restrictive covenants.

Professional Regulation.—The extension of the field of professional or occupational regulation goes on apace. Provision is made for the licensing of private detectives (c. 58), the registration of trained nurses (c. 60), the formation of an association of professional engineers (c. 59), the licensing of keepers of billiard-rooms, pool-rooms, or bowling-alleys (c. 85), and the licensing of insurance agents, insurance brokers, and insurance adjusters (c. 61).

Insurance.—C. 61 is an Act to amend the Ontario Insurance Act, and includes a set of statutory conditions which are in future to form part of every contract of accident insurance or contract of sickness insurance, subject to the exceptions permitted by the Act. In addition to providing for the regulation of agents, brokers and adjusters, it contains provisions as to rates and rating bureaux. C. 62 is an Act respecting Reciprocal or Inter-insurance. The constitutionality of this Act has recently been upheld by the Privy Council, in a decision which is useful because it further defines the boundary line between Provincial jurisdiction and Dominion jurisdiction as to insurance.[1]

Maintenance of Deserted Wives and Children.—C. 57 is a revised edition of an older Act, and provides that a man who has deserted his wife or his child under sixteen years of age may be summoned before a police magistrate, and that the latter may make an order for the payment of a weekly sum not exceeding $20 for the support of the wife and family, or the child, as the case may be.

Ontario Temperance Act.—There is the usual crop of amendments of the prohibition legislation (c. 86), as well as an Act respecting the Carriage of Liquor on Highways (c. 87).

Sunday.—It is enacted (c. 93) that, except as thereinafter mentioned, every employer of labour, whether a person, partnership, or corporation engaged in carrying on any hotel business, restaurant or café, shall allow every person employed in any such hotel business, restaurant or café at least twenty-four consecutive hours of rest in every seven days, and wherever possible the said twenty-four consecutive hours shall be on a Sunday.

Workmen's Compensation.—In view of the decisions of the Privy Council in *Walpole* v. *Canadian Northern Railway Co.*, [1923] A.C. 113, and *McMillan* v. *Canadian Northern Railway Co.*, [1923] A.C. 120, the following amendment (c. 56) of the Workmen's Compensation Act is of special interest:

> Notwithstanding any provision elsewhere contained, where a workman in the employ of a railway company has been obliged by the nature of his work to change his residence from Ontario to a place outside of Ontario,

[1] A.C. [1924], p. 328.

the dependents of such workman, who have become non-residents of Ontario by reason thereof, shall in respect of an accident to such workman happening in Ontario, be entitled, while residing in Ontario, to the same compensation as if they were residents of Ontario at the time of the workman's death, and this provision shall apply to all previous payments to dependents accruing after the coming into effect of this Act, whether the accident happened before or after that date, and whether the award of compensation has been heretofore or is hereafter made, but shall not entitle any person to claim additional compensation for any period prior to the coming into effect of this Act.

8. PRINCE EDWARD ISLAND.

[*Contributed by* W. E. Bentley, Esq., K.C.]

Acts passed—27: Public—16; Private—11.

Motor Vehicles and Highways.—C. 1 repeats and re-enacts the laws relating to the registration and operation of motor vehicles upon the highways and the protection of highways. Cc. 2 and 3 authorize the borrowing and expenditure of money upon the improvement of highways and amend provisions relating to the imposition and collection of road taxes.

Election Law.—C. 4 is a consolidation and re-enactment of the Election Acts. Since 1892 the Legislature of the Province has consisted of the Lieutenant-Governor and a Legislative Assembly, the members of which are composed of an equal number of Councillors and Assemblymen, the Councillors being chosen by electors of either sex having a qualification as owners of real property of the value of $325, and the Assemblymen being elected by electors, male and female, qualified as to age and residence, or by possession or ownership of real property. When elected, the rights and voting privileges as members of the Legislative Assembly of Councillors and Assemblymen are equal.

Supreme Court.—C. 6 authorizes the appointment of an additional judge of the Supreme Court, who shall also when appointed be a member of the Court of Appeal in Equity.

County Court.—C. 8 constitutes the judge of every County Court a Court of Record under the name of the County Court Judges' Criminal Court for the trial of certain offences under the Criminal Code.

Optometry.—C. 13 authorizes persons practising the profession of optometry to become registered members of an association incorporated by the Act with power to punish persons practising without being duly licensed.

Registered Nurses.—C. 15, known as the "Registered Nurses Act," incorporates an association of registered nurses with power to prohibit any person not duly qualified and registered from representing that such person is a registered nurse.

9. QUEBEC.

[*Contributed by the* Hon. Mr. Justice Fabre Surveyer.]

First Session: Acts passed—158: Public—103: Private—55.
Second Session: Acts passed—139. Public—89; Private—50.

Quebec Public Service Commission.—By c. 27 the commission is substituted for all boards heretofore authorized to decide questions of expropriation by the cities of Quebec and Montreal.

By c. 28 it is empowered to decide any dispute that a tramway company (other than the Montreal Tramways Company) and one or more municipalities may agree, by resolution, to submit to it.

Public Health.—By c. 29 all Acts heretofore existing are repealed and replaced by consolidated and amended provisions.

Preservation of Monuments.—By c. 30 the Cabinet is empowered to appoint a Commission of five members who, under the direction of the Provincial Secretary, shall proceed to classify monuments and objects of art, whose preservation is of national interest from an historic or artistic standpoint. The classification of lands or buildings shall be pronounced by Order in Council, on the recommendation of the Commission. Such property shall not be destroyed, even partly, nor be the object of any work of restoration, repair or alteration, unless the Provincial Secretary, on the recommendation of the Commission, give his consent thereto. Its expropriation for public utility can only be pronounced by Order in Council, after the Provincial Secretary has been called upon to submit his objections and has announced the consent of the Executive Council. The effect of classification follows a property into whomsoever's hands it goes. Removal of classification is effected with the same distinction as classification. Chattels which belong to the Province, or to municipal, school or other corporations, and whose preservation is of national interest, may be classified, the final classification to be pronounced by Order in Council on the recommendation of the Commission. Real or personal estate not belonging to the Province can only be classified with the consent of the proprietor. Classified objects which belong to the Province, are inalienable and imprescriptible ; if belonging to corporations, they shall not be restored, repaired or alienated save with the authorization of the Provincial Secretary, on the recommendation of the Commission.

Lands set apart for Indians.—By c. 37 the Cabinet may reserve and set apart, for the benefit of the various Indian tribes of the Province, the usufruct of public lands described, surveyed, and classified for such purpose by the Minister of Lands and Forests, the extent of such lands not to exceed 300,000 acres. Such usufruct shall be transferred gratuitously to the Government of Canada to be administered by it in trust for said Indian tribes, and shall return to the Province from and after the day when the Indian to whom the same has been assigned will cease to occupy such lands. Mining rights shall not be included in such concession, and no such reserve shall be granted or taken out of any territory under licence to cut timber, unless the consent of the licence holder shall be first obtained.

Literary or Scientific Competitions.—By c. 56 a sum of five thousand dollars is appropriated annually for literary and scientific competitions, the conditions whereof are to be determined by the Cabinet. Prizes are to be awarded by a jury directed by the Provincial Secretary.

Coroners.—By c. 67 the various laws regarding coroners, passed since 1914, are repealed and replaced by a consolidated Act, containing a number of amendments.

Civil Engineers.—By c. 79, s. 5, the Council of the Engineering Institute of Canada shall have the power to grant to any engineer residing out of the Province of Quebec and being the holder of a diploma of civil engineering or of the degree of Bachelor of Applied Science from any school or university, recognized by the Council or a member of

other engineering societies or corporations of engineers likewise recognized by the Council, a temporary licence to practise, upon payment of the fees provided for by the by-laws, on condition that the actual engineering work planned be carried out in collaboration with an engineer, member in good standing of the Corporation.

Athletic Commissions.—By c. 82 the Council of any city or town municipality may, by resolution, create a permanent "Athletic Commission," the object of which shall be to assist, promote and encourage professional and amateur sporting associations; to direct, manage, and control boxing, sparring and wrestling matches, with or without decision, for prizes or purses, and where an admission fee is charged to spectators. In a town or city where a Commission exists, every person, association, corporation or club, before announcing a boxing or wrestling match, to which the public is to be admitted as spectators, shall obtain a permit from the Commission authorizing such exhibition, under pain of a fine not exceeding five hundred dollars and costs.

Seizure.—By c. 90, notwithstanding any law to the contrary, the heir-at-law or legatee, domiciled or resident ordinarily outside of the Province, to whom there is transmitted, by the death of any person domiciled in the Province, the ownership, usufruct or enjoyment of any chattel locally situated in or outside the Province at the time of such death, must, in the case of an heir, be put into possession, or, in the case of a legatee, obtain legal delivery, of such chattel. The application must set forth the name, surname, domicile or ordinary residence of the heir or legatee, and his relationship to the deceased; the name and surname of the deceased, the place and date of his death, and the place of his domicile at such date; the description, situation and real value of the property so transmitted, distinguishing that locally situate within from that locally situate without the Province, and the total value of the property of the succession and the amount of its debts and charges existing at the time of the death; such declaration must be delivered to the Comptroller of Provincial Revenue, together with, in the case of a testamentary succession, the will and other documents containing dispositions in contemplation of death. The heir or legatee must pay a court fee calculated on the real value of the chattels locally situate outside of the Province, at a rate of 3 to 15 per cent., according to the degree of relationship. Payment of the fee is established by a certificate of the Comptroller of Provincial Revenue showing property on account of which a fee was paid. Putting into possession or legal delivery is applied for by petition to a judge of the Superior Court in the district where the deceased had his last domicile. The judge may require such petition to be served, in the manner he may indicate, upon every person that he considers interested, with a notice of the day that he fixes for taking it into consideration, or he may, after such oral or written proof under oath that he deems proper, grant the application. The order is not susceptible of appeal, but it does not prejudice the rights of any person who subsequently lays claim to the same property, or part thereof as lawful heir or legatee for any other lawful cause.

Provincial Museums.—By c. 3 (second session) it is enacted that whereas public exhibitions are a complement to institutions for promoting the study of history, sciences and fine arts, and whereas the establishment of museums is necessary for permanent or temporary exhibitions as well for the training of youth as to assist writers, furnish

documents, and encourage artists by supplying them with the means of showing their work, the Government may establish, in the cities of Quebec and Montreal, museums for the study of history, sciences and the fine arts, and is authorized to acquire all lands and buildings it may deem necessary for the establishment of museums in Quebec and Montreal.

Provincial Census Act.—C. 23 (second session) provides, in addition to the Dominion Census which takes place every ten years, for a census to be ordered by the Government, for one or more municipalities, on the report of the Provincial Secretary, or on a request of the municipality.

Roads.—By c. 34, s. 104 (second session), whenever the Minister of Roads maintains, repairs or improves a road or a highway or performs maintenance, repair or improvement work thereon, the municipal Corporation having control thereof shall not be responsible for damages due to the fault of the employees of the Minister of Roads, committed in the discharge of their duties, nor to any default in the fulfilment of the obligations undertaken by the Minister of Roads. Damages to land, caused by the Roads department, are to be dealt with by the Quebec Public Service Commission.

Fuel and Food-stuffs' Control.—By c. 39 (second session), whenever the Government is satisfied that there exists in the Province, with respect to one or more classes of commodities intended for use as food for human consumption, a scarcity, real or apprehended, it may establish a bureau composed of not more than three persons, to ascertain the original price and cost of transportation of any commodity or class of commodities intended for use as fuel or food-stuffs the control of which has been given to the bureau, and inform the public thereof; to limit and fix the quantities of the same which may be sold to consumers in a given time; to make known to the public by regulations the cost price of commodities or classes of commodities intended for use as fuel or food-stuffs, rendered subject to its control, and to compel manufacturers and merchants to furnish it, when so required by it, with an inventory of the commodities or classes of commodities intended for use as fuel or food-stuffs, rendered subject to its control, which they have in store or warehouse. Whoever refuses to give the bureau the information it asks for or gives it wrong information, is liable to a fine of twenty-five dollars for each infraction. Whoever sells to consumers commodities intended for use as fuel or as food for human consumption in greater quantities than those permitted by the bureau during the time fixed, is liable to a fine of one hundred to five hundred dollars. A fine of one hundred dollars will be imposed upon every person who refuses or neglects, when so required by the bureau, to furnish it with an inventory of the merchandise he has in store or warehouse. Any person who buys fuel or food-stuffs in quantities in excess of that fixed by the bureau is not obliged to pay for the excess, and shall be entitled, if he has paid, to recover the price of such excess.

Agricultural and Industrial Schools.—By c. 56 (second session) the Government may make, with any religious institution or corporation, Catholic or Protestant, any arrangement or agreement respecting the maintenance, in the cities of Quebec and Montreal, or within a radius of fifty miles therefrom, of schools for boys of less than eighteen years of age brought before any Juvenile Court or magistrate, and found guilty of any offence, such schools to be organized so as to give agricultural or

industrial instruction, as the case may be. Hearings for offences committed by minors are not public; the publication of a report of the proceedings is forbidden; it is also forbidden to reproduce the portrait of the accused. The magistrate may charge a person with looking after the minor and control his freedom.

Cove-receipts.—Cove-receipts, and similar receipts, may, by endorsement thereof by the owner of the logs, pulp-wood or other lumber, or by the person entitled to receive such lumber, be transferred as collateral security for the payment of any bill of exchange, note, debt or liability; the said endorsement creates a security on the goods covered by the receipt, which security is valid for twelve months and liable to be renewed. The property covered by the receipt cannot be sold without the consent of the owner thereof, unless thirty days' notice of the time and place of such sale shall have been given by registered letter to the owner of the property; the sale is to be made by public auction, after notices in newspapers; the holder of the receipt having preference on the proceeds of the sale over all creditors save claims for wages of labour performed in making and transporting the lumber covered by the receipt.

Habitual Drunkards.—By c. 71 (second session), the judge may, instead of ordering the interdiction, order the confinement of a drunkard in an establishment for habitual drunkards, for such space of time as may be deemed necessary.

Habeas Corpus.—By c. 81 (second session) no issue of a writ of Habeas Corpus, requested under any law whatever, may be allowed, unless a copy of the petition requesting the same, with notice of presentation, is previously served upon the Attorney-General, or the Crown Prosecutor, if one is permanently appointed in a district. An appeal lies from any final judgment, maintaining or dismissing a writ of Habeas Corpus, and such appeal shall be heard at the nearest sittings of the Court after a delay of five days, whether such sittings are held in Quebec or in Montreal. The judgment maintaining a writ of Habeas Corpus can only be executed three days after it has been rendered, unless, during such three days, the Attorney-General or the adverse party file, at the office of the Court which rendered the judgment, a declaration to the effect that an appeal will not be taken. In the case of a judgment dismissing a writ of Habeas Corpus, the inscription in appeal may be made within ten days. Bail can only be granted to the person who has requested the writ, by the Court of Appeals, composed of at least three judges, after reasonable notice to the Attorney-General or the Crown prosecutor, as the case may be.

10. NEWFOUNDLAND.

[*Contributed by the* DEPUTY MINISTER OF JUSTICE.]

Child Protection.—The Children's Act (c. 2) is an attempt to improve the lot of neglected and delinquent children. It provides for the appointment of a probation officer from the constabulary officers, punishment for the offence of cruelty to children, for the arrest without warrant by probation officers or constables of any person committing an offence under this Act. Any child in respect of whom an offence under s. 2 (1) has been committed (*i.e.* where a child has been assaulted, ill-treated, neglected, abandoned, or exposed) may be taken by a probation officer

or any person to a place of safety, and any such child may be detained in a place of safety until it can be brought before a Court of summary jurisdiction. The said Court may make such order as circumstances may require for the care and detention of the child. Under s. 5 power is conferred on the Court in cases where the parents have been convicted of crime or committed for trial to have the custody of children under sixteen years transferred to some fit person, if possible of the same religious persuasion as the child. Provision is made under s. 11 to have the deposition on oath taken of any child in respect of whom an offence of cruelty within the meaning of the Act has been committed and who is unable to attend Court, and in cases where the child does not understand the nature of an oath such may be dispensed with. Proceedings relating to an offence under the Act may be carried on without the presence of the child if such is not essential. S. 14 deals with procedure, and s. 15 allows an appeal to the Supreme Court within three months. S. 16 and subsequent sections deal with delinquent children. It establishes a Juvenile Court providing for the trial of children charged with offences against the laws of Newfoundland apart from the Police Courts, excluding all but the counsel, witnesses, officers of the Court, or of any society for the protection of children, and immediate friends or relatives of the child or parent. Special procedure is provided where a child is charged. The judge may after hearing the charge return the child to its parents, or place it under the guardianship of a society for the protection of children, or may hand it over to a home for destitute children, or industrial school. The parents may not interfere with or remove such child from the custody of the person or persons with whom it has been placed. Any child found loitering on the streets after nine o'clock in the evening without parent or guardian may after warning be taken by a police officer to its home, the parent in that case being liable to a penalty of from $1 to $5. "Child" under the Act means a person under the age of sixteen years.

Animals.—An Act (c. 3) to amend c. 108 of the Consolidated Statutes, entitled "Of the Protection of Animals," is aimed to compel the use of whiffle-trees to relieve the hauling strain and friction on draught animals, and to improve the conditions under which cattle are landed or shipped by sea in the ports of the Colony.

Dangerous Drugs.—An Act to regulate the Importation, Exportation, Manufacture, Sale and Use of Opium and other Dangerous Drugs (c. 4), is in the terms of the British Dangerous Drugs Act,[1] and was enacted in this country to control the importation and exportation and to prevent the improper use of opium and other dangerous drugs. This legislation was recommended by the Opium Convention.

Cables.—C. 8 confirms a contract made between the Government and the Commercial Cable Company of New York on May 1, 1922. The Government agrees to sell its Canso cable to the Company for $60,000, the Company agreeing to operate the same and to keep it in repair. The Government is to give the Company the exclusive use of a land line between St. John's and Port aux Basques, and the terminals at these ends are to be operated at the Company's expense, while the land line is to be kept up at the expense of the Government. The Company is to establish an office for business in St. John's, and to connect the same with its cable station. The Government in consideration of these

[1] See *Review of Legislation*, Third Series, vol. iv, pt. ii, p. 11.

obligations will pay the Company $4,000 annually, and will hand over to the Company all traffic for points outside Newfoundland unless otherwise directed by the sender, the Company handing over to the Government all traffic to points in Newfoundland unless otherwise directed by the sender. The Government's share on all messages originating in or destined to Newfoundland shall be one-half where the tolls are sixty cents for the first ten words and six cents for words in excess, and, where messages are transmitted at reduced rates, a proportionate reduction. On other messages the Government's portion shall be one-fifth of the Company's published rate. The Company will transmit official messages to Great Britain and Ireland at one-half the published rates. The Government agrees not to allow its land lines to be managed or controlled by other telegraph companies. In the event of the Government's land line becoming interrupted, the Company will maintain communication through St. John's-New York cables. All machinery needed for the operation of the St. John's-Canso line shall be admitted duty free. The Company agrees to arrange for direct working between St. John's and Canso, and to duplex the route if business justifies. Arbitration is provided for the settlement of all disputes arising. The Agreement is subject to legislative ratification, and thereupon runs for fifteen years from July 1, 1922, and thereafter may be terminated by either party giving the other six months' notice.

Posts and Telegraphs.—An Act (c. 10) to amend c. 35 of the Consolidated Statutes, entitled "Of the Postal and Telegraph Services," increases the letter rate on letters posted in the Colony to the British Empire and the United States of America to four cents per ounce, and places a rate of one-half cent per pound on newspapers sent through the mails by the publishers, and one cent for each four ounces when posted by any other person.

Judgments Extension.—An Act to facilitate the Reciprocal Enforcement of Judgments, Orders and Awards in Newfoundland and other parts of His Majesty's Dominions (c. 14) was passed to make judgments obtained in the superior Courts of the British Empire enforceable in Newfoundland.

Shipbuilding.—An Act for the Encouragement of Shipbuilding (c. 17) provides for the payment of bounties of $24 and $30 per ton on all vessels between twenty and fifty tons built in accordance with the requirements of c. 176 of the Consolidated Statutes, provided such vessels are ready for sea on July 1, 1923, and are supplied with new Lloyd's tested chains, anchors, etc.

11. BERMUDA.

[*Contributed by* SIR REGINALD GRAY, K.C., *Speaker of the House of Assembly.*]

Acts passed—49.

Four of the Acts incorporated local joint stock limited liability companies, and there were four other private Acts.

Education.—No. 49 amends and consolidates a series of five Acts dealing mainly with what are termed "aided" schools, that is, private schools receiving aid from public money granted annually to the Board

of Education, and inspected by the Director of Education. A "proper school" is one kept in a suitable building by a teacher authorized by the Board to teach, and in which a register of daily attendance is kept. It is the duty of the "parent," as defined, to cause each of his or her children over seven and under thirteen years of age regularly to attend a proper school, or to receive adequate private instruction at home or elsewhere. The parent is liable to a fine for failure to comply with the Act.

Under a Legislative Resolve the sum of £2,100 was appropriated during the year 1922 for aiding three higher grade private schools, the grant being apportioned among them by the Board of Education.

Immigrant Labour.—No. 2 provides for the appointment of an Immigrant Labour Board to manage, direct and control the introduction of immigrant labourers to meet the scarcity of labour, such labourers being imported at the expense or partial expense of the Colonial Government. The experiment has so far proved a success.

Justices' Civil Jurisdiction.—No. 43 consolidates the prior Acts and confers on a Court of summary jurisdiction consisting of a police magistrate or two justices of the peace civil jurisdiction up to £100 for a debt or liquidated demand in money, and up to £20 for liquidated damages suffered by any act, default, neglect, or omission of the defendant, "liquidated" being interpreted as "ascertainable by computation." One justice has jurisdiction in cases of debt or liquidated demand up to £10.

Maintenance Orders Enforcement.—No. 6 secures for the Colony the benefit of the reciprocal provisions of the Statute 10 & 11 George V, c. 33.

Municipal Corporations.—No. 14 extends the powers of the Corporation of Hamilton and the Mayor, Aldermen and Common Council of the Town of St. George to make Ordinances regulating various matters within the municipal limits.

Public Carriages.—No. 20 regulates carriages plying for hire and provides for the licensing of drivers.

Statute Law Consolidation.—No. 7 provides for the consolidation by the Attorney-General of a series of Acts with a view to the publication of a new compilation of the laws, the last having been published in 1903.

III. AUSTRALASIA.

1. COMMONWEALTH OF AUSTRALIA.

[*Contributed by* GEORGE S. KNOWLES, ESQ., *Acting Solicitor-General.*]

Acts passed—42.

Aliens.—The Nationality Act (No. 24) extends the application of the Nationality Act, 1920, to Papua, Norfolk Island and to any other territories under the authority of the Commonwealth to which the Governor-General by proclamation declares it to extend.

Bounties.—The Meat Export Bounties Act (No. 11) provides for the payment of bounties on the export of beef and cattle from the Commonwealth.

The Iron and Steel Products Bounty Act (No. 29) provides for

the payment of bounty, not exceeding £50,000 in any one year, on fencing wire, galvanized sheets, traction engines and wire-netting manufactured in Australia from materials produced and manufactured (except where otherwise provided) in Australia, and delivered from the factory on or after September 14, 1922.

The Shale Oil Bounty Act (No. 40) extends the operation of the Shale Oil Bounty Act, 1917, to six years and increases the rate of bounty on crude shale oil payable on each gallon up to 3,500,000 gallons from $2\frac{1}{4}d.$ to $3\frac{1}{2}d.$

Customs.—The Customs Tariff (New Zealand Preference) (No. 3) ratifies an agreement made between the Commonwealth of Australia and the Dominion of New Zealand on April 11, 1922, and provides for preferential duties of Customs on certain goods produced or manufactured in New Zealand. Some amendments are made to the Schedule by the Customs Tariff (New Zealand Preference), 1922 (No 2), (No. 36).

The Customs Tariff (No. 16) amends the schedule to the Customs Tariff, 1921, in regard to wire, wire-netting, traction engines and measuring and recording instruments.

The Customs Act (No. 19) substitutes new provisions for provisions in the principal Act relating to the method of determining the value for duty of goods purchased by an Australian importer or consigned for sale in Australia, and the production of the genuine invoice.

The Customs Tariff (Industries Preservation) Act (No. 20) amends the Act of 1921 in several respects, the most important amendment being that relating to the duty on goods where the currency of the country of origin or export has depreciated to less than one-twelfth of its normal par value as compared with the pound sterling. In these circumstances it is provided that the duty on goods imported shall be the difference between the landed cost of the goods in Australia, plus a percentage of profit to be determined by the Minister, and the Australian wholesale selling price of similar goods of Australian manufacture.

Defence.—The Defence Retirement Act (No. 9) provides for the retirement or discharge of certain persons from the permanent services of the Defence Department, and for the payment of compensation to such persons in cases of compulsory retirement before reaching the age of sixty-five years.

Electoral.—The Commonwealth Electoral Act (No. 14) contains a number of amendments to the Commonwealth Electoral Act, 1918–21. The Act provides that candidates for election to the Senate may, if they so desire, have their names grouped in the ballot-papers. The names of candidates included in groups must be printed on the ballot-papers before the names of other candidates, and provision is made for determining the order where there are several groups. The names of the candidates in each group must be in alphabetical order. The provisions of the principal Act relating to postal voting have been amended and the following acts have been added to the list of offences, namely : unlawfully marking postal ballot-papers, and unlawfully opening postal ballot-papers. In regard to the questions to be put to voters at elections the Act provides that in addition to certain other questions prescribed the presiding officer must ask each person claiming to vote whether his real place of living is within the Division and whether he was at any time within 21 days

before the issue of the writ entitled to vote for any other Division. Even though the presiding officer may be of opinion that an elector's claim to vote should be rejected, the elector may still be permitted to vote if he makes a declaration in the prescribed form. In that event the ballot-paper is placed in a special envelope, which is not opened until the question of the right of the person to vote has been definitely determined. Similar provision is made in regard to the case of an elector claiming to vote when a mark has already been placed against his name on the certified list to indicate that he has voted at the election. In the case of disputed elections, power is given to the Court of Disputed Returns to permit any party, in the presence of a prescribed officer, to inspect the rolls and other documents (except ballot-papers) used at the election and to take extracts therefrom.

The Act also provides that the authority of the Governor-General is required before any State referendum or vote can be taken on the polling day for an election of the Senate or a general election of the House of Representatives.

The Northern Territory Representation Act (No. 18), makes provision for the representation of the Northern Territory in the Parliament of the Commonwealth. The Territory is to be represented by one member of the House of Representatives elected in accordance with the Act. The member for the Northern Territory will have the same rights and privileges as other members of the House of Representatives, but he will not be entitled to vote on any question arising in the House.

The Senate Elections Act (No. 22) amends the Senate Elections Act, 1903, by making more detailed provision for the method of filling casual vacancies in the Senate.

Immigration.—The Immigration Loan Act (No. 31) authorizes the borrowing of money to an amount not exceeding £4,000,000 for the purpose of loans to the States in relation to immigration and works in connexion therewith.

Industrial Property.—The Trade Marks Act (No. 25) provides for the extension of the application of the Trade Marks Act, 1905–1919, to territories under the authority of the Commonwealth.

Public Service.—The Commonwealth Public Service Act (No. 21) consolidates and amends the law regulating the Public Service. The Act is to come into force on a date to be fixed by proclamation. Provision is made for the appointment of a Board of three Commissioners instead of the single Public Service Commissioner. The Board may delegate any of its powers to one of its members or to an officer, but when a delegate makes a recommendation with regard to any Department the Permanent Head of the Department may request that the matter be referred to the full Board, and in that case the recommendation is not deemed to be the recommendation of the Board unless it is endorsed by the full Board. In addition to other duties, the following duties are imposed on the Board:

(*a*) To devise means for effecting economies and promoting efficiency in the management and working of Departments by: (i) improved organization and procedure; (ii) closer supervision; (iii) the simplification of the work of each Department, and the abolition of unnecessary work; (iv) the co-ordination of the work of the various Departments; (v) the limitation of staffs, etc.; (vi) the improvement of the training of officers; (vii) the avoidance of unnecessary expenditure; (viii) the

advising upon systems and methods adopted in regard to contracts and for obtaining supplies, and upon contracts referred to the Board by a Minister ; and (ix) the establishment of systems of check in order to ascertain whether the return for expenditure is adequate ;

(*b*) To examine the business of each Department and ascertain whether any inefficiency or lack of economy exists ;

(*c*) To exercise a critical oversight of the activities, and the methods of conducting the business, of each Department ;

(*d*) To maintain a comprehensive and continuous system of measuring and checking the economical and efficient working of each Department, and to institute standard practice and uniform instructions for carrying out recurring work.

In regard to these matters the Board must make its suggestions or proposals in the first place to the Permanent Head of the Department concerned. If he does not concur in, or adopt, the suggestions or proposals he must within a reasonable time inform the Board of his reasons therefor. The Board may then make a recommendation, report or suggestion to the Minister of the Department, and if this recommendation, report or suggestion is not approved or adopted, the Board may report the matter to both Houses of Parliament either in a special report or in its annual report. The Board also has the function of submitting recommendations to the Governor-General in regard to all matters required to be dealt with by the Governor-General under the Act, and has power :

(*a*) To enter any Department for the purpose of carrying out its duties ;

(*b*) To summon any person whose evidence appears to be material to the determining of any subject of inspection, inquiry or investigation being conducted by the Board ;

(*c*) To take evidence on oath ; and

(*d*) To require the production of documents.

An alteration has been made in the mode of classification of the Public Service. Previously the Service was divided into the Administrative, Professional, Clerical, and General Divisions. Under the Act it is divided into the First, Second, Third and Fourth Divisions. The First Division includes all Permanent Heads of Departments and such other officers as the Governor-General determines. The Second Division includes officers who, under officers of the First Division, are required to exercise executive or professional functions in the more important offices of the Service. The Third Division includes all officers whose offices the Governor-General directs to be included in that Division, and the Fourth Division includes all officers not included in the First, Second or Third Division. The Board is required as soon as practicable after the commencement of the Act to classify the whole of the Service, with the exception of officers of the First Division, within the Divisions above specified. Any officer who is dissatisfied with the Board's classification of his office may lodge an appeal, which will be dealt with by the Board in conference with a representative of the Permanent Head of the Department and the officer himself, or, if the officer so desires, with a nominee of the Public Service Association to which he belongs, or with an agent of the appellant. Increments of salary within the prescribed limits of any class or office will be annual, but the Permanent Head may issue an order in writing depriving an officer of his increment. In this case,

however, the officer may appeal to the Board. In view of the passage of the Superannuation Act (referred to hereunder) the Commonwealth Public Service Act repeals the provision for compulsory life assurance by officers, which has hitherto been in force. The Act makes detailed provision for the granting of preference to returned soldiers in the making of appointments.

A distinction is made between the Commonwealth Service, which includes all Departments of a permanent character, and the Provisional Service, which includes Departments or branches of a provisional or temporary character. In the case of the Provisional Service, all appointments except appointments to positions of a casual character are made by the Board at such salary as the Board determines, and all appointees hold office during pleasure only. The provisions of the Act in regard to entrance to the Commonwealth Service and the duties, privileges and tenure of officers are in the main the same as those contained in the Act repealed.

Superannuation.—The Superannuation Act (No. 33) provides superannuation benefits for persons employed by the Commonwealth and for the families of those persons so that when the officers reach the maximum age for retirement, sixty-five years, or are forced to retire before reaching that age on grounds of incapacity, they will not be without means of support, and in case of death of an officer the widow and children will not be left unprovided for.

A Superannuation Fund is established from which benefits are paid and which is built up by compulsory contributions of officers, payments by the Commonwealth and interest from investment of the Fund. Payments are made periodically by officers in accordance with a prescribed scale which is to be subject to a quinquennial adjustment, to be approved by Parliament.

Pensions are payable to officers (minimum £52 and maximum £416 per annum) based on the contributions paid by the officers, the rate of salary received by the officer being substantially the factor which determines the pension for which the officer may contribute. Provision is made for the payment to the widow, on death of an officer, of half the amount of the pension contributed for; also in such an event in respect of each of the widow's or contributor's children a payment is made of thirteen pounds per annum until the age of sixteen is reached.

The Act meets the cases of certain officers already in possession of vested or contingent rights to pensions or retiring allowances under other Acts or State Acts. Rights existing under such Acts may be commuted for new rights under the new Scheme as agreed upon and they are to be the actuarial equivalent of the transferred right.

Life assurance is no longer compulsory, and officers may, with the consent of the Board, transfer existing assurance policies to the Board.

A Superannuation Board of Management is to be appointed to control the Scheme, and will consist of three members, one of whom is to be an actuary and another a representative of the public servants.

The members are appointed for a term of seven years, and are eligible for reappointment.

Repatriation.—The Australian Soldiers Repatriation Act (No. 23) amends the Australian Soldiers Repatriation Act, 1920–21, by making additional provision for payment of pensions to members of the forces

suffering from specified disabilities and including allowances for attendants upon such members in certain cases.

Seat of Government.—The Seat of Government Act (No. 28) ratifies an agreement between the Commonwealth and the State of New South Wales correcting certain errors and misdescriptions which existed in the Agreement made between the Commonwealth and the State for the surrender and acceptance of territory for the purposes of the Seat of Government of the Commonwealth.

Taxation.—The Entertainments Tax Act (No. 15) amends the Entertainments Tax Act, 1916–19, by repealing the provision which imposed tax where the amount charged for admission was less than 1s.

The Land Tax Act (No. 17) abolishes the additional tax of 20 per cent. imposed in 1918.

The Income-tax Assessment Act (No. 37) consolidates and amends the existing law relating to the imposition and collection of taxes upon incomes.

The Act provides for the ascertainment of the rate of the assessable income by means of the averaging principle. The period chosen for this purpose is the period of five years preceding the financial year for which the tax is payable, but the averaging principle is not applied when the annual income is on the downward grade or until the income begins to take an upward tendency.

Additional exemption is provided from income-tax in the case where remuneration paid by the Commonwealth or State Government is received by persons residing outside Australia for expert advice given to the Commonwealth or a State Government or as a member of a Royal Commission.

Provision is made for the taxation of income, subject to the deductions allowed by the Act, derived from the sale of trading stock; also for the taxation of a company where the company has not distributed at least two-thirds of taxable income and where it is considered that the company could reasonably have distributed a further sum to its members or shareholders.

In addition to certain variations in the original Act in respect of deductions the amount of special deduction has been increased from £156 to £200. Provision is made for rebates in respect of business incomes where the rate of tax exceeds 2s. 5d. in the £1. To prevent the evasion of taxation by persons leaving the country, it is provided that, before a passport is issued, a certificate of the Commissioner to the effect that all taxes have been paid must be produced to the officer issuing the passport.

Comprehensive provisions have been included in relation to taxation prosecutions.

Treaties.—The Treaties of Washington Act (No. 4) makes provision for giving effect to the treaties signed at Washington on February 6, 1922, in relation to the limitation of naval armament and the protection of neutrals and non-combatants at sea in time of war and the prevention of the use in war of noxious gases and chemicals.

Grain Elevators.—The South Australian Farmers Agreement Act (No. 35) ratifies and approves an agreement made between the Farmers Bulk Grain Co-operative Company, Ltd., the Commonwealth and the State of South Australia for the erection and operation by the Company of silos and elevators for the bulk handling of grain in South Australia.

The Commonwealth will make advances to the Company by way of loan under the conditions of the agreement, the amount of the advances to be provided being two-thirds of the total cost but not exceeding £1,000,000.

2. NEW SOUTH WALES.

[It is hoped to publish the Summary of Legislation in the next *Review*.]

3. QUEENSLAND.

[*Contributed by the* Hon. Sir Littleton E. Groom, K.C.M.G., M.A., LL.M., M.P., *and* J. F. Gamble, Esq., B.A., LL.B.]

Acts passed—37.

Agriculture.—The Fruit Cases Acts Amendment Act (No. 11) authorizes the making of regulations providing for the compulsory grading and stacking of fruit and vegetables offered or packed for sale.

Auctioneers and Commission Agents.—The Auctioneers and Commission Agents Act (No. 27) repeals the existing legislation on the subject. It provides that no person shall carry on these businesses unless he has been licensed in accordance with the Act, and no person can recover commission on any sale unless he has been duly licensed and has received written authority from the vendor for the sale. Persons applying for licences must lodge a fidelity bond in a prescribed amount not exceeding £500. Commission charges are to be in accordance with a prescribed scale, and the proceeds of a sale must be dealt with by the agent as trust moneys, and he must, within a fortnight of the receipt of such moneys, render an account to his principal. The Act also imposes certain restrictions on agents and their employees in regard to purchasing or becoming interested in the purchase of property placed in their hands for sale. Severe penalties are imposed for the offences of conversion and rendering false accounts, and in the case of offences by companies the chairman of directors or manager or other governing officer of the company is liable unless he proves that the offence was committed without his knowledge or connivance and without negligence on his part.

Constitution.—The Legislative Assembly Act Amendment Act (No. 6) enables a member of the Legislative Assembly who is too ill to attend any sittings of the House and is unable to obtain a "pair" to vote by proxy.

Criminal Law.—The Criminal Code Amendment Act (No. 2) abolishes capital punishment in Queensland, and makes a number of consequential amendments to the Criminal Code and other enactments.

Education.—The Agricultural Education Act (No. 17) creates a Board to supervise and direct agricultural education, and provides for the establishment of agricultural schools. Provision is also made for part-time schools and evening classes, and for the establishment of boarding houses for the reception of pupils. Any society or body of persons in a locality may apply for the establishment of a school in that locality, but such applications must be accompanied by evidence that the applicants have raised at least one-third of the estimated cost of the

site and buildings. As a general rule the instruction in such schools and classes is to be free.

Health.—The Health Acts Amendment Act (No. 33) amends the principal Act in regard to a variety of matters. The definitions of "adulteration" and "false description" are repealed and new definitions inserted. The retail sale of catheters and other instruments capable of being used for purposes of abortion is prohibited except on production of a written prescription by a medical practitioner. Restrictions are also imposed upon the use of lead in paint, but this provision does not come into operation until proclaimed. New provisions are inserted in the principal Act in regard to footwear. The soles of all footwear must be made of solid leather and stamped accordingly, or, if made of any other material, must be stamped with the name of the material used. All boots must bear the manufacturer's name, and the soles must not contain any weighting substance. The provisions of the principal Act in regard to the treatment of venereal diseases are amended to ensure that persons suffering from such diseases shall report themselves regularly to a medical practitioner. More effective provision is also made in regard to preventing advertisements for the treatment and cure of these diseases. The provisions in regard to guarantees as to the purity of food and drugs and the correctness of descriptions are amended; also the provisions in regard to standards for the composition and quality of food and drugs. A new section is added providing for the holding of examinations for nurses, and the registration and issue of certificates to qualified nurses.

Hospitals.—The Maternity Act (No. 22) provides for the establishment (either separately or in conjunction with other hospitals) of maternity hospitals and hospitals for the treatment of diseases peculiar to women, ante-natal and baby clinics, and training schools for nurses in midwifery and matters relating to motherhood and infant life. The cost of erection and equipment of these hospitals will be borne by the Government, which may also contribute such sums as are appropriated towards their maintenance and upkeep.

Labour.—The Unemployed Workers' Insurance Act (No. 28) provides for the establishment of a fund, to which workers, employers, and the Government will each contribute in equal proportions, for the sustenance of unemployed workers. This fund is to be administered by a Council, presided over by the Minister for the time being, on which the Government, employers, and workers will be represented. It will be the duty of the Council (*inter alia*) to obtain all available information as to the condition of the labour market, and it will have power to make recommendations to the Government in regard to the establishment of relief works to reduce unemployment, and in regard to compelling employers to proceed with works which can reasonably be proceeded with in cases where their failure to proceed is likely to cause unemployment. Any unemployed worker may register for employment at a State Labour Exchange, and, if within fourteen days he is not provided with employment, he shall have the right to receive the sustenance allowance appropriate to his case. These benefits, however, will not be given to men who refuse to work, or to men who have become unemployed through their own fault. Persons normally unemployable and unable to support themselves may be admitted to one of the State Labour Farms. Where a worker has repeatedly lost his employment through imperfect technical knowledge or skill, the Council may direct that he receive instruction at

a State Technical College. The rates of sustenance vary from 15*s.* to 20*s.* per week, with an additional allowance of 4*s.* to 5*s.* per week for each child, not exceeding four, wholly supported by the worker.

Primary Producers.—The Primary Producers' Organization Act (No. 4) is an Act "to promote the Agricultural and Rural industries by the organization of the Primary Producers of Queensland in a completely Unified National Organization and for other incidental purposes." Provision is made for dividing the State into not less than fifteen districts. In each district there will be a District Council elected by the Local Producers' Association of the District. Any association of primary producers may be registered as a Local Producers' Association and assigned to its proper district. The District Councils will elect not less than fifteen persons who, with a small number of Government nominees, will form the Council of Agriculture. The functions of the Local Producers' Association are (*inter alia*) to take the initiative in rural matters pertaining to the locality, to ascertain the requirements of the locality and formulate schemes for meeting them, and to bring before the District Council, through the Association's representative, matters of district as well as local concern. The functions of the District Council are to secure co-operation, as far as possible, amongst the primary producers who are members of the local associations, to advise and assist the Council of Agriculture, and such other functions as the Council of Agriculture may determine. The functions of the Council of Agriculture, which are set out in sixteen paragraphs, cover a very wide field, and relate to such matters as the development of rural industries; the stabilization of prices; the control of diseases and pests; advising producers with regard to farm management, farm accountancy, etc.; securing additional markets; studying markets; and securing improved means of storage, handling and transport.

The Primary Products Pools Act (No. 9) provides for the constitution of Boards representing the growers to sell and distribute produce of certain kinds to be proclaimed under the Act. Subject to exemptions, all growers of a proclaimed commodity must deliver their produce to the Board, and the Board alone will act as selling agent.

Sugar.—The Sugar Works Act (No. 30) empowers the Corporation of the Treasurer of Queensland (created by the Sugar Works Guarantee Acts Amendment Act of 1908),[1] on the direction of the Governor in Council, to construct and carry on sugar works in any proclaimed area, to regulate the leasing and selling of land within the area, to grow cane for supply to sugar works, to purchase cane from other growers, and to make advances on cane being grown or to be grown. The Corporation also has power to acquire compulsorily land required for its business. In every sugar works area a site for a township is to be reserved, and the Corporation may provide lodging-houses and other buildings for the use of the inhabitants or travellers. In respect of each sugar works a separate fund will be created, and if in any year the result of the operation of the sugar works is not sufficient to pay interest on capital the growers in that area and any persons who have received notice from the Corporation to grow cane will be liable to make good to the Treasurer the amount of the deficiency. Sugar-cane grown in any proclaimed area cannot, without the consent of the Corporation, be sold to any other buyer.

Water.—The Irrigation Act (No. 29) provides for the appointment

[1] See *Journal of Comparative Legislation*, New Series, vol. x, pt. 2, p. 335.

of a Commisisoner of Irrigation, for the creation of irrigation areas and water reserves and for the construction therein of irrigation works.

The Water Power Act (No. 20) makes provision for the utilization of water for the purpose of generating and providing electrical energy and water power and for purposes incidental thereto.

4. SOUTH AUSTRALIA.

[*Contributed by* A. J. HANNAN, ESQ., M.A., LL.B., *Parliamentary Draftsman and Acting Crown Solicitor of South Australia.*]

During the 1922 Session of the Parliament of South Australia 52 Acts were passed. Of these only 23 are dealt with in this Summary, the remainder being private Acts, Supply and Appropriation Acts, or Acts dealing with matters of purely local interest, or of a minor administrative character.

Chaff and Hay.—This Act (No. 1511) repeals the Acts of 1908 and 1913 and substitutes provisions of a more comprehensive nature. All chaff and hay dealers (as defined in s. 3) are required to furnish to the Chief Inspector of Chaff a notice setting forth, *inter alia*, the dealer's name and place of business. The object is to enable a record to be kept of all dealers and their places of business, to facilitate inspection and the detection of offences against the Act. Provision is made for the appointment of inspectors and analysts to ensure that chaff and hay sold to the public is of good quality. This will facilitate the punishment of dealers who sell straw chaff under the name of hay chaff. Other provisions for the protection of the public are inserted. The usual mode of sale of chaff before 1922 was in bags of standard size. The standard bag nominally contained 56 lb., but the actual weight of chaff in a bag varied, usually to the advantage of the dealer. S. 10 puts an end to this practice by providing that in the absence of agreement to the contrary all chaff is to be sold by weight, and the bag is to be included in the weight. Every dealer, on the sale by him of any quantity of chaff or hay, is required to give to the purchaser a weight note stating the full weight of chaff or hay delivered, and, in the case of chaff, the number of bags in which the chaff is contained.

Governor's Salary.—The Governor's salary as fixed by the Civil List has for some time been £4,000 a year, together with various allowances, including a town and a country house. This amount has been found insufficient to support the dignity of so important an office, and this Act has been passed to increase the remunerations payable to the Governor. As the Civil List is fixed by Parliament, an Act of Parliament is necessary to alter the Governor's salary. His salary is by this Act (No. 1548) increased to £5,000 a year. This sum is also, by the Act of 1922, made exempt from the payment of South Australian income-tax. This exemption is no inconsiderable concession, since the income-tax is on a graduated scale, and it effectively increases the actual value of the salary paid. The Governor's salary is also exempt from Federal income-tax.

Judges' Salaries.—This Act (No. 1503) increases the salaries payable to the judges of the Supreme Court of South Australia. In future the Chief Justice is to receive £2,500 a year, and each of the puisne judges £2,000 a year. The justification for the increase is the rise in the cost

of almost all commodities in recent years and the diminished purchasing power of money.

State Advances.—The State Advances Act Further Amendment (No. 1513) authorizes the State Government to enter further into competition with private insurance companies in a very restricted field. The principal Act establishes a money-lending medium called the State Bank of South Australia, and provides that advances are to be made by the Bank to persons of various specified classes, mainly primary producers. The object of making these advances is to aid in the development of the country by providing means whereby farmers and other primary producers can increase the value of their holdings by making permanent improvements thereon. Every advance is secured by mortgage, and the terms of each mortgage include the usual covenant for insurance. This means that thousands of pounds are annually paid by State mortgagors to insurance companies. The class of insurance effected is conducive to big profits with very little risk, and it is considered that there is no good reason why such a profitable source of revenue should not be secured to the State. This Act consequently provides that the Board of Trustees of the State Bank may, with the consent of the insurer, underwrite any insurance required to be effected under the terms of any mortgage granted pursuant to the State Advances Acts.

The Act means that the State has further entered the sphere of private enterprise so far as insurance business is concerned. The first step was for the State Bank to be empowered to insure soldiers' homes upon which public money had been lent on mortgage (see Advances for Homes Act Further Amendment Act, 1917, s. 5).[1] The next step was to give a like power of insurance in the case of all homes upon which public money had been lent by the State Bank, whether to soldiers or civilians (see Advances for Homes Act Further Amendment Act, 1920, s. 8).[2] Act No. 1593 represents a still further stage, enabling the trustees when lending public money in the capacity of a rural bank to effect any necessary insurance themselves, instead of placing the insurance with a private insurance company. The result of these various legislative enactments is that the State Bank now carries on the business of insurers of all classes of property on the security of which the Bank has advanced money pursuant to statutory authority.

Fisheries.—The only provision calling for comment in the Fisheries Act Amendment (No. 1530) is that conferring power upon the Minister to grant an exclusive licence to any person to take specified kinds of fish within the territorial waters of South Australia. The holder of a licence must set up on some convenient part of the adjacent shore distinguishing marks or buoys or other floating marks for indicating the limits of the area covered by the licence. Persons other than the licensee and his servants are forbidden to take any of the specified kinds of fish within the licensed area, if the fish are taken for the purpose of sale or for use in connexion with any business. The object of the whole provision is to encourage the commercial utilization of a species of blue crab which exists in vast numbers on the shallow shores of Spencer's Gulf.

Mental Defectives.—The Mental Defectives Act, 1913, has been in

[1] *Review of Legislation*, Third Series, vol. i, pt. ii, p. 68.
[2] *Ibid.*, vol. iv, pt. ii, p. 62.

force for over ten years, and during that period has, on the whole, proved satisfactory in its operation, but in the course of its administration by the Mental Defectives Board, difficulties have arisen which have shown that the Act might be improved in various directions. The Mental Defectives Act Amendment (No. 1532) effects these amendments. They are almost entirely of an administrative character, and do not affect the main principles laid down in the Act of 1913. The only provisions calling for comment are those authorizing the reception of voluntary boarders into an institution for mental defectives. The boarder, or some person on his behalf, must undertake to be liable for his maintenance, and must sign a statement that he is willing to be received and treated as a patient in the institution. The object is to render unnecessary the establishment of private lunatic asylums. The sections containing these provisions are adapted from the Victorian Act No. 2687 of 1915. The scheme is designed to permit persons who suspect that they are becoming mentally deranged, or who fear a recurrence of a past attack, to make arrangements for their treatment. In such cases it is possible, according to the best medical opinion, that by anticipating the attack the malady may be prevented or greatly mitigated. The scheme has worked well in Victoria.

Electoral Code.—The Electoral Code Amendment, 1921 (No. 1499), and the Electoral Code Amendment, 1922 (No. 1549), can conveniently be considered together, for they each represent a stage in a minor legislative contest between the Commonwealth and the State Parliaments, in which the Commonwealth Parliament has emerged victorious. Both Acts were reserved for the royal assent, pursuant to the Governor's instructions, and have been assented to by His Majesty. Act No. 1499 was passed in the following circumstances.

S. 70 of the Commonwealth Electoral Act, 1918,[1] imposed a disability on members of the State Parliaments by providing that no person who was at any time within fourteen days prior to the date of his nomination a member of the Parliament of a State should be capable of being nominated as a Senator or as a member of the House of Representatives. The practical result was that there was very little encouragement for any sitting member of a State Parliament to contest an election for a Federal seat, for if he failed to secure election he had to contest the by-election held to fill his old seat in the State Parliament which he had had to resign in order to become eligible to nominate for the Federal seat.

Accordingly, at the Conference of State Premiers held in 1920, a resolution was carried that the Commonwealth Government be asked to amend their Act so as to permit any member of a State Parliament to become a candidate for the Federal Parliament without resigning his seat in the State Parliament. The Commonwealth Government refused to comply with the request. The State Premiers thereupon decided to pass uniform legislation which would effect what they desired in spite of the opposition of the Commonwealth Government. It was in pursuance of this agreement between the State Premiers that the South Australian Parliament passed Act No. 1499. Tasmania had already enacted similar legislation as early as 1917 (Act No. 65 of 1917), and Victoria carried out its share of the compact by passing Act No. 3119 of 1920. These Acts were substantially similar to Act No. 1499, which made the following provisions: When a State member resigned his seat for the purpose of

[1] *Review of Legislation*, Third Series, vol. ii, pt. ii, p. 37.

contesting a Federal seat, and at the time of so resigning notified the President of the Legislative Council or the Speaker of the House of Assembly (as the case might be) of his intention to seek re-election to his old seat if defeated at the Federal election, the writ for the election of a member to serve in his place in the State Parliament was not to be issued until the result of the Federal election was declared. If the result showed that the State member was not successful, and if he was again nominated for the vacancy in the State Parliament which had occurred by reason of his resignation, he was to be declared duly elected, and the writ was to be returned accordingly. It will be seen that the Act provided for what was no more than a nominal resignation to qualify the State member for nomination as a Federal candidate. If he was not elected, the mere fact of his renomination was sufficient to reinstate him in the seat he had resigned. The Act therefore infringed on the principle of democratic government as recognized in South Australia by the Constitution Act, 1855–6, in so far as it enabled a person to become a member of Parliament without having been first approved by a majority of electors. Under the Constitution Act, membership of both Houses depends strictly on election, and there is no right of becoming a member by nomination.

When the other States had passed legislation similar to that passed by Tasmania, Victoria and South Australia, it was expected that the position would be the same for all practical purposes as if the Commonwealth Government had acceded to the request of the Premiers' Conference of 1920 and repealed s. 7 of the Commonwealth Electoral Act, 1918. The Federal Parliament, however, took early action to defeat the object which the State legislation sought to achieve, by passing the Commonwealth Electoral Act of 1921 (No. 14 of 1921).[1] This Act provided for a re-enactment of s. 70 of the Commonwealth Electoral Act, 1918, so as to render any person incapable of being nominated as a Senator or a member of the House of Representatives of the Commonwealth if that person had resigned from the Parliament of a State and had the right, under the law of the State, if not elected to the Parliament of the Commonwealth, to be re-elected to the Parliament of the State without the holding of a poll. The legal effect of the Commonwealth Electoral Act, 1921, is to nullify the privilege conferred by the uniform State Acts already referred to. These Acts assumed that a nominal resignation would satisfy the Commonwealth law, and for the time being it did so, but the present Commonwealth law says in effect that a State member who has taken advantage of a State Act and lodged a nominal resignation is to be treated as if he had not resigned at all.

As a result of the Commonwealth Act, the uniform State Acts served no useful purpose, but constituted rather a source of embarrassment to State members who desired to contest Federal elections, for the mere existence of these State Acts rendered possible the raising of technical legal objections affecting the validity of the candidature of a State member *actually* resigning to contest a Federal election, of which there was no need for the State member to run the risk. In these circumstances, the South Australian Parliament passed Act No. 1549, repealing Act No. 1499. This Act was reserved for the royal assent, and has since been assented to by His Majesty. The other States which passed uniform legislation have either taken the same course as South Australia

[1] *Review of Legislation*, Third Series, vol. v, pt. ii, p. 70.

and repealed their legislation, or are proposing to repeal it in the near future. Thus the legislative contest has ended with the honours of war entirely with the Commonwealth Parliament.

Administration and Probate.—This Act (No. 1515) confers further powers and functions on the Public Trustee. The Public Trustee is a permanent Government official whose general duties are to administer the estate of deceased persons when appointed executor by a will or upon an intestacy in certain cases, pursuant to powers conferred upon him subject to the Administration and Probate Act, 1919, the Act which defines his powers, duties and functions. Within the last ten years the activities of the Public Trustee's Department have increased threefold. In 1911 the Public Trustee administered 898 estates and the revenue of his department was £2,218; in 1921 the corresponding figures were 2,230 and £6,927. The present amending Act amplifies the scope of certain sections of the principal Act in cases where the comments of the Supreme Court in legal proceedings under the sections have shown that the powers of the Public Trustee may be usefully extended. There are only two amendments which are sufficiently important to call for explanation. The first is the amendment made by s. 5, which enables a person who desires to settle property upon trust *during his lifetime* to appoint the Public Trustee *directly* to be a trustee of the settlement. Hitherto, though there was power for a testator to appoint the Public Trustee his trustee under his will, there was not power to make a similar appointment in the case of a settlement *inter vivos*.

S. 6 deals with another class of cases in which it is desirable that the Public Trustee should be given power to act. It frequently happens that proceedings are brought in the Supreme Court in which damages are claimed on behalf of the widow or the children of a man who has been killed by the negligence of some other person. The jury sometimes award damages to these people, and recommend in their finding that the damages be paid over to the Public Trustee and be administered by him on behalf of the widow or children. This has usually been done, and the Public Trustee is frequently directed to administer these sums of money. It is undoubtedly desirable that the Public Trustee should, for the protection of the persons entitled, hold sums of money on behalf of certain successful litigants. A widow is thus assured that the money is wisely invested and expended, and the interests of any children entitled under the judgment are amply protected. There is, however, no direct legislative authority for this as a general practice, although in certain cases under the Workmen's Compensation Acts the principle involved has been approved by Parliament. It is manifestly desirable that power should be given to the Supreme Court to make these orders, and to the Public Trustee to receive and administer the money awarded by a jury. S. 6 gives the necessary general authority to act in such cases.

Charitable Trusts Procedure.—This Act (No. 1538) is modelled upon the English Statute 52 George III, c. 101 (Lord Romilly's Act). Before the passing of the Act no convenient method existed in South Australia whereby the Supreme Court could adjudicate upon matters arising out of the administration of trusts created for charitable purposes. The only way by which the Court's jurisdiction could be invoked in these matters was in an action commenced by a writ or an originating summons. Obviously this method was most inappropriate in many instances where the Court's direction was sought. The typical case was where a rectory

or other church property was vested in trustees and the trustees desired to sell and purchase a more convenient dwelling, or desired to sell surplus land. In such cases there is no contest between parties such as calls for the issue of a writ or an originating summons and pleadings following thereon. This Act therefore provides a remedy by enabling the Court to decide such matters on petition. It provides that in any case of a breach of any trust created for charitable purposes, or whenever the direction or order of the Supreme Court is deemed necessary for the administration or management or to the advantage or benefit of a trust created for charitable purposes, a petition may be presented to the Supreme Court by any two or more material persons who are objects of the trust, by the trustees for the time being of the trust, or by the Attorney-General. The usual verifying affidavit must accompany the petition. The English practice of requiring every petition to be submitted to and allowed by the Attorney-General is not followed. Instead, the Act requires that every petition, other than one presented by the Attorney-General, shall be served on the Attorney-General, who has the right of audience at the hearing before the Court. The Supreme Court is also given power to permit any person to appear at the hearing. The Act further embodies the most important principles laid down in the decisions of the English Courts on the construction of Lord Romilly's Act.

Maintenance Orders (Facilities for Enforcement).—This Act (No. 1504) closely follows and is reciprocal to the English Maintenance Orders (Facilities for Enforcement) Act, 1920. It is intended to provide means for compelling a husband to support his wife whom he has deserted, when each lives in a different country. " Maintenance Order " is defined as meaning an order (other than an order of affiliation) for the periodical payment of sums of money towards the maintenance of the wife or other dependents of the person against whom the order is made.

Two different schemes are worked out in the Act. The first provides that where a maintenance order has been made against a defendant in England, Ireland or a reciprocating State (*i.e.* any part of His Majesty's Dominions, other than the United Kingdom, in which similar legislation to the Act prevails, and which the Governor of South Australia declares to be a reciprocating State) and the defendant subsequently comes to South Australia, then the order may be registered in the appropriate Court in South Australia and enforced against the defendant in the same manner as if the order had been originally made in that Court.

The second scheme is provided for the case where the defaulting husband has deserted his wife, leaving her in South Australia and has gone to England, Ireland or a reciprocating State. The South Australian Court can hear the evidence of the wife although the husband is resident outside the jurisdiction and may make a provisional order against him. This provisional order is then transmitted to the Court of the place of the husband's residence, and is there dealt with in manner similar to that shortly to be described. A provisional order made in similar circumstances in, say, England, may be referred to a South Australian Court. The South Australian Court then issues a summons against the defendant resident in South Australia. The depositions of the plaintiff's evidence given in England are before the South Australian Court, who then calls upon the defendant to present his case. The order may then be confirmed, varied or rejected by the South Australian Court, and has

then the effect of an ordinary order of the South Australian Court conferring rights of appeal on the parties. It will be noted that, following the English Act, Scotland is excluded from the operation of the Act. An Order in Council has lately been made under the English Act extending its provisions to South Australia.

Partition.—The Partition Act Amendment (No. 1502) is intended to provide for cases where all the persons interested in a partition suit under the Partition Act, 1881, cannot be found, and consequently cannot be served with the necessary notices. Before the Act was passed, if one of the persons entitled to a share in the proceeds of a sale under the principal Act could not be found, the Supreme Court had no power under the principal Act to extend the benefits of that Act to the parties. The present Act, following the English Act 39 & 40 Victoria, c. 17, provides that the Supreme Court may dispense with service of notice of any decree or order in a partition cause on any person required under the principal Act to be so served, but who cannot be found or who cannot be served without expense disproportionate to the value of the property to which the action relates. Instead of service, the Court may direct advertisements to be published calling on all persons who seek to establish claims to the property to come in and prove their claims within the time fixed in the advertisement. The proceeds of any sale after such an order are to be paid into Court, and are not to be distributed amongst the known claimants until the procedure laid down in the Act as to notice to be given to prospective claimants has been complied with.

Agricultural Graduates Land Settlement.—There is in South Australia a Government Agricultural College where a complete agricultural education can be obtained by young men who intend to follow the calling of farming. It has been found, however, that in many cases young men obtain the college diploma, and then through lack of means are unable to acquire a farm. Thus the State is deprived of a particularly desirable class of settler. These men are highly qualified to farm land successfully, but through lack of opportunity they drift into other pursuits and are lost to the State as producers. This Act (No. 1531), therefore, sets out to help these agricultural graduates to secure farms for themselves. Any persons who obtain the college diploma and have had some practical experience in farming are eligible for the benefits under this Act. The Government may purchase a farm for any graduate and may expend up to £3,000 in doing so. This sum is repayable by the graduate on easy terms. The advance is for nine years. For the first three years interest only is payable, and for the balance of the term the settler repays the principal by equal instalments with interest on the balance for the time being unpaid. Advances may be made to a graduate (whether settled on the land by the Government or not) up to £500 for the purchase of plant, seeds, stock, etc. If the graduate's farm consists of uncleared mallee country the graduate may secure a further advance up to £1,000 for the purpose of clearing and improving his farm.

The principle of this Act is the same as that involved in the Discharged Soldiers Settlements Act, namely, the provision of land for particularly deserving classes of citizens by means of advances from the State repayable by instalments of principal and interest spread over a long term.

Irrigation.—This Act (No. 1546) is in substance a war measure, and is rendered necessary by the operation of the Discharged Soldiers Settlement Acts. Under these Acts discharged soldiers have been settled

chiefly in the valley of the River Murray on fruit-growing blocks irrigated from the river. Millions of money have been spent by the Government in preparing blocks for settlement, and in planting them and maintaining the settlers on them during the early years, which are bound to be unproductive. The purpose of the Act is to achieve, to some degree, unity of control in regard to all matters concerning land settlement on the River Murray, including the terms and conditions of land tenure, the supply of water for irrigation purposes, the granting of financial and other assistance to settlers, and the settlement of discharged soldiers. The Act was expressed to come into force by proclamation, and the necessary proclamation was made on June 20, 1923. Before the Act came into force these various functions were shared by three bodies, operating for the most part over the whole State. These bodies were the Irrigation Department, under the control of the Minister of Irrigation, the Soldier Settlements Department, under the control of the Minister of Repatriation, and the Advances to Settlers Board, under the control of the Commissioner of Crown Lands. The Act sets up a new body, the Irrigation Commission, and so far as concerns irrigation areas and reclaimed lands, vests all the functions mentioned in the Commission. As regards the rest of the State, the existing bodies are to continue to act as in the past. The Commission consists of three Commissioners, each holding office for five years, and each being eligible for reappointment. The staff and officers of the Commission are not members of the Public Service of the State, but are entitled to all the privileges of such membership. The basic idea of the scheme is to give the Commission full and complete control over all matters committed to it, subject only to the control of Parliament in voting the money, and of the Minister in appropriating it. The Commission is given very wide powers, and unfettered discretion in the exercise of them. For the most part the Act follows on the lines of the pre-existing Irrigation and Reclaimed Lands Acts, vesting in the Commission the powers previously exercised by the Minister of Irrigation; but a number of important improvements are made in matters of detail and of administration. In addition to the powers of the Minister of Irrigation, the Commission takes over the functions of the Advances to Settlers Board under the Crown Lands Acts, *i.e.* the making of advances to persons settled on Crown Lands to assist them in clearing, cultivating and generally settling on their land, and the functions of the Soldier Settlement Department under the Discharged Soldiers Settlement Acts so far as concerns lands watered from the River Murray. Before this Act considerable expense and a great deal of duplication of effort was occasioned by several bodies operating in the same sphere and with respect to the same subject-matter, and it is hoped that, by concentrating all these various activities in one body, greater efficiency and economy will be effected.

There is only one matter of detail in the Act of general interest. At the time the Bill for the Act was before Parliament there was much dissatisfaction and many complaints with regard to the settlement of discharged soldiers on the Murray. To meet the situation and to put the Commission in a position to alleviate the trouble and find some solution for the admitted difficulties, Parliament expressly directed that the first duty of the Commission should be to inquire into and report to Parliament firstly, on all such complaints which were made in writing, and, in general, "whether the financial liabilities to the Govern-

ment of the State under the said Acts (that is, the Irrigation and Reclaimed Lands Acts and the Discharged Soldiers Settlement Acts) of the lessees of irrigation blocks are such as will prevent the lessees from working their blocks with a reasonable likelihood of success."

Pastoral.—The Pastoral Act Further Amendment (No. 1519) consists mainly of modifications of existing provisions of the Pastoral Act, 1904, calculated to facilitate the administration of that Act. Only one of these provisions calls for mention, namely, s. 9, which, in the case of an allegation by the Commissioner of Crown Lands that the lessee under a pastoral lease has incurred a forfeiture of his lease by reason of his having made default in the observance or performance of any covenant or condition in his lease, throws upon the lessee the onus of proving that the covenant or condition has been duly observed or performed. This is justifiable because of the difficulty of securing affirmative evidence as to the lessee's management of his holding, which is usually of very large dimensions and situated at a great distance from settled areas, and because the lessee, if he has really observed his covenants, can easily prove it.

There are also certain entirely new provisions, chief of which is one whereby the search for good stock water on unoccupied Crown Lands in the pastoral country is encouraged. The absence of good stock water is the chief obstacle to settlement of pastoral lands in South Australia. Permits are to be issued to any person who wishes to search for water. The permit will specify the land upon which the search is to be made, and will be effective for a year, which term may be extended. If the searcher discovers a permanent water supply, by boring or well-sinking, yielding at least 4,000 gallons of water per day suitable for great cattle, he is to be entitled to a lease from the Crown of the land surrounding the bore. The land leased must not exceed one hundred square miles. The rental for the lease is fixed at liberal terms to the lessee. In addition, a reward of £200 in cash is to be paid for every discovery of water which is at least three miles distant from every other existing bore or well.

Another substantive provision gives power to the Government to acquire pastoral leases for the purposes of closer settlement. This is with a view to the settlement of discharged soldiers and others who are only able to commence pastoral operations on a small scale. Land thus taken is to be divided into holdings capable of carrying 10,000 sheep. Provision is made so that no holding can be acquired by any person who already holds a pastoral lease. This is to prevent what is becoming a serious evil at present, namely, the tendency of the more wealthy pastoral lessees to absorb the smaller lessees and thus retard the effective settlement of the pastoral areas.

Phylloxera.—The Phylloxera Act, 1899, was framed at the instance of the leading and most far-seeing vignerons in South Australia with a view to minimizing, as far as humanly possible, the effects of the anticipated invasion into this State of the destructive vine disease known as Phylloxera vastatrix. That invasion was then and is now deemed imminent and inevitable. This disease by 1899 had secured a firm hold in the eastern States of Australia, and had there proved to be ineradicable once it had established itself. It was first allowed to spread through carelessness and negligence, and as a result caused immense losses to the vignerons whose vines were infected. South Australian vignerons

resolved to take all precautions and necessary measures to prevent the inroad of the disease into South Australia. They accordingly secured the passing of the Phylloxera Act, 1899. Under this Act all vineyards are taxed and the proceeds form a fund called the "Phylloxera Fund." The amending Act (No. 1533) establishes a Board of eight members, of whom two are appointed by the Minister of Agriculture, while the remaining six members are elected by the vignerons of the State. The Board is given wide and stringent powers to cope effectively with any outbreak of disease in South Australia. Thus an infected area can be quarantined and all vines within that area completely destroyed. The owner is in such event paid compensation out of the Phylloxera Fund, and this is the principal purpose for which the Fund exists. The steps taken by the Board have up to the present been successful in keeping the Phylloxera pest out of South Australia. Since 1899 a never-ceasing vigilance has been maintained for that end. A proclamation has been issued under the Vine, Fruit, and Vegetable Protection Acts, 1885 and 1910, forbidding the introduction into South Australia of any vine plant. It has been felt that the only way to exclude Phylloxera from this State is to close completely all avenues through which it might possibly be introduced into South Australia. Vignerons, however, are satisfied that sooner or later the disease must find its way over the borders from some other State.

The Phylloxera Fund now amounts to over £21,000. The primary purpose of this Fund is to provide compensation to vignerons whose vines have been rooted up by the Board in order to assist in eradicating the Phylloxera disease. It is felt that an adequate part of the Fund should be retained for that purpose, and accordingly £18,000 is ear-marked as a compensation fund. With the balance, and any further funds the Board may obtain, the Board is authorized to establish in some other Australian State nurseries for the cultivation and propagation of Phylloxera resistant vine plants, from which the South Australian vineyards may be replanted, in the event of existing vines having to be rooted out through becoming Phylloxera infected.

The remainder of the Act deals with the constitution of the Board, and does not call for special mention.

Holidays.—This amending Act (No. 1547) was passed in pursuance of a resolution carried at the Premiers' Conference in 1918 to establish, as far as practicable, uniformity among the States in respect of public holidays. Under the Holidays Act, 1910, eleven public holidays were observed in South Australia, including the King's Accession Day and the Prince of Wales's Birthday. South Australia was the only State in the Commonwealth that observed the King's Accession Day as a public holiday, and South Australia and New South Wales were the only States in which the Prince of Wales's Birthday was observed as a public holiday. Under the existing system the general cessation of business on public holidays led to considerable dislocation of commerce, causing loss to both employers and employees. This undesirable consequence arose not only from the number of public holidays, but also from the fact that there was no uniformity amongst the States, and this circumstance had a particularly hampering effect on shipping. A schedule of uniform holidays was therefore drawn up and generally adopted by the various States. This schedule did not include the King's Accession Day and the Prince of Wales's Birthday. Act No. 1547 therefore amended the

Holidays Act, 1910, by removing these two days from the list of public holidays, but added to the list Anzac Day (April 25), the anniversary of the landing of the Australians on Gallipoli. The effect of the Act is therefore to reduce the number of public holidays observed in South Australia by one.

Metropolitan Infectious Diseases Hospital.—Under the Health Act, 1898, the responsibility of providing for the care and treatment of cases of infectious disease is placed upon Local Boards of Health. These Local Boards of Health are really the local government bodies for the various cities, towns, suburbs and settled areas under another name. In the case of Local Boards of Health whose districts are in or near the Metropolitan Area, the practice has hitherto been to send infectious cases occurring in their districts to the Adelaide Public Hospital, paying for the patients at a rate fixed by arrangement with the Hospital authorities. Accommodation at this Hospital has become inadequate, and this Act (No. 1521) provides for the erection of a special hospital for the reception and treatment of cases of infectious disease. The building will cost about £90,000. The scheme is as follows: The Government is to provide a site for the hospital, and is to defray the cost of the erection of the hospital and of equipping it adequately for the effective combating of infectious disease. The Local Boards of Health in the Metropolitan Area are to contribute regularly to the cost and upkeep, the contribution of each Local Board being based upon the proportion which the total assessment of the rateable property within its district bears to the aggregate value of all the rateable property in the districts of the different Boards taken together. Thus each Local Board will contribute according to its means. In return for its contribution each Local Board will be entitled to have any patient from its district received into and treated at the hospital free of cost to the Local Board. Patients received from outside districts will have to be paid for individually by the Local Board of Health of the district from which they come.

The management and control of the Hospital is vested in a Board whose members will be elected by the various contributing Local Boards of Health. An elaborate scheme is evolved so that the Local Boards have representation in proportion to their importance and rating power. Two members of the Board are elected by the S.A. Branch of the British Medical Association. The Board being merely administrative, the Government has no direct representation on it.

Municipal Corporations.—This Act (No. 1517) is mainly for the purpose of effecting minor amendments of a miscellaneous character in the principal Act. Most of these amendments are of minor importance, having been made for the purpose of removing anomalies and inconsistencies in the Municipal Corporations Acts and the Land Value Assessment Acts prior to the consolidation of these Acts, which was effected in 1923. Only the following amendments call for comment. Before the Act was passed, all educational institutions were exempt from the payment of municipal rates. Those Municipal Councils which had within their municipalities one or more large public schools felt the burden of this exemption very keenly. These schools occupied extensive premises with large grounds, and had the use of the roads and streets surrounding the schools, and generally had all the benefits available to ratepayers such as lighting, drainage, etc., without paying any rates.

Certain Municipal Councils lost a large amount of revenue because of this exemption, and the institutions benefited were in most cases wealthy and well able to pay rates. Accordingly, the Act to some degree removes this exemption, but educational institutions are still privileged above ordinary ratepayers, as they are required to pay only one-quarter of the rates they would normally be required to pay. The University of Adelaide is excluded from the operation of this Act, and its exemption from the payment of rates consequently continues. Another provision to be noted is one which requires that before any private hospital or maternity home is established in a municipality, the consent of the Municipal Council must be obtained. This is intended to prevent a prevailing abuse whereby hospitals and homes are established in premises which are altogether unsuitable, and in circumstances where the presence of the hospital or maternity home considerably depreciates the value of adjoining dwelling-houses. Another amendment looks to the safeguarding of the roads against the passage of heavily loaded vehicles by giving power to Municipal Councils to lay down steel tracks.

Shearers' Accommodation.—This is an industrial measure and consolidates the pre-existing legislation upon the subject (Acts Nos. 887 of 1905 and 1241 of 1916) with amendments. The object of the Act (No. 1543) is to secure that proper sleeping and living accommodation shall be provided for shearers by their employers. Shearers usually complete the shearing of the sheep on a station within two months, and there is a temptation to pastoralists to provide them with makeshift sleeping and living accommodation. The Act requires, among other things, that a minimum of 240 cubic feet of air space be provided for each sleeper, that dining accommodation is to be separate from the sleeping-rooms, that separate sleeping-rooms are to be provided for Asiatics, and that various household utensils and conveniences are to be supplied for the shearers. The duty of seeing that the provisions of the Act are enforced is placed on the Police Force, and the superior officers of the Police Force are, by the terms of the Act, *ex-officio* inspectors under the Act. Shearing sheds and huts are to be inspected periodically. If an employer fails to provide the necessary accommodation he is given three months in which to rectify the default. If after that period the default still continues, the employer is liable to a penalty of £10, with an additional £2 for every day of default. On the other hand, shearers must keep the huts provided for them in a clean condition. If they fail to do this the employer may clean the huts and keep them clean, and may deduct the cost of so doing from the wages of the shearers occupying the huts.

Workmen's Compensation.—Under the Workmen's Compensation Acts provision is made that, in the event of a workman becoming partially or totally incapacitated through injuries received as the result of accident arising out of and in the course of his employment, he is to be paid certain sums of money as compensation by his employer. A higher maximum payment is fixed in the case of a married man than in the case of a single man. The judicial construction placed upon these provisions was that a widower with a child or children dependent on his earnings was to be regarded, for the purpose of considering what compensation he should receive, not as a married man, but as a single man. This is obviously an injustice, which is removed by the amending Act (No. 1525), which places a widower with a child or children dependent

on his earnings, for the purpose of estimating compensation in the event of his total or partial incapacity for work, on the same footing as a married man.

Public Purposes Loan.—This Act (No. 1539) authorizes the raising of loans to the amount of £9,781,970 by the issue and sale of inscribed stock or other Government securities for the purpose of various public works. The main items are of interest: £4,000,000 is for the settlement of discharged soldiers on the land, £1,650,000 for the provision of homes, mainly for discharged soldiers, and £1,500,000 for irrigation and reclamation works in connexion with the big settlement scheme on the River Murray. The Main Roads Fund Act (No. 1535) authorizes the raising by the same means of £300,000 for the reconstructing with bituminous concrete of about seventy miles of the main roads near and about Adelaide. This is an experiment in this method of road construction as far as South Australia is concerned.

Taxation.—The Taxation Acts do not now give the Government a permanent right to levy income-tax. The period for which it may be levied is extended by Parliament from time to time. Parliament was during the session of 1922 asked by the Government to impose income-tax permanently. This, however, they refused to do, as members took up the attitude that Parliament should have complete control of taxation, and the Government should periodically ask their approval for taxation of this nature. The tax, however, was imposed up to June 30, 1924, and this is accordingly enacted in the amending Act (No. 1540). The super-tax of 25 per cent. of the ordinary income-tax originally imposed by the Taxation Act of 1919 for the year 1918–19 only, and since continued in force from year to year, is under this Act imposed for a further period of twelve months from July 1, 1921.

5. TASMANIA.

[*Contributed by* H. S. Baker, Esq., LL.M.]

Of the 57 Public Acts passed by the Parliament of Tasmania during the session of 1922–3, few were of general legislative interest. They consisted largely of minor amendments to existing Acts, and of Acts dealing with local bodies and public works.

Second-hand Dealers.—A short amending Act (No. 17) imposes an obligation upon licensed dealers in second-hand goods to keep all such goods bought or received by them for not less than three days after having received the same before selling or parting with the possession of them or altering their form or condition. An obligation is also imposed upon any person who purchases second-hand goods for the purpose of manufacturing, renovating, altering or repairing them not to alter the form or condition of such goods for three days after receipt. Any member of the police force may extend the period of retention by a notice in writing to the dealer, etc.

Women Justices of the Peace.—An Act (No. 22) amending the District Justices Act, 1907, provides that any justices appointed under that Act may be either male or female.

Public Service.—The control of the public service of the State (excepting the judges of the Supreme Court, the State Railway service,

the State Hydro-electric service, the Education service, the Police Force, and a few others) is dealt with in a consolidating measure (No. 25). The public service is placed as before under the control of a Commissioner (at a salary of £750 per year), whose first duty is to reorganize the various departments with a view to effecting economies. As to all other matters the Commissioner must submit his suggestions first to the permanent head of the department concerned, and if it is not adopted by the latter, then, if he thinks fit, to the Minister in charge. If the Minister does not adopt the plan, the Commissioner may report the matter direct to both Houses of Parliament. The old classification of the service into divisions is done away with, and a special board is constituted to review all salaries, the Board to consist of the Commissioner, one Government nominee, and one nominee of the officers of the public service to be elected by postal ballot. The Board is directed to review all salaries at intervals of not less than twelve months, nor more than two years, and may either increase or diminish them. The salary to be paid to a person upon his first appointment to the service or upon his transfer or promotion in the service may (apart from a general determination) be determined by the Board upon special application being made therefor by the officer concerned. In other respects the Act is, generally speaking, along the lines of the Public Services Act, 1918, and its various amendments.

Local Bodies Loans.—The Local Bodies Loans Act, 1881, is amended (No. 42) by adding a direction to all local bodies borrowing from the Government under that Act to invest (in such manner as the Auditor-General may direct) an annual sum sufficient to liquidate the loan on such basis as Parliament may direct in the Special Loan Act, or as shall be named on the debentures issued in respect thereof. This sinking fund is placed out of the reach of the local body by a requirement that the securities representing the annual payments shall not be dealt with without the authority in writing of the Auditor-General.

Stamp Duties.—Provision is made by an amending Stamp Duties Act (No. 50) for the payment of duty on fluctuating balances owing on mortgage to a bank. Where the amount of the mortgage is unlimited and in lieu of paying *ad valorem* duty under the principal Act, the bank manager or accountant may certify the amount which for the time being is intended to be secured, and stamp the instrument in accordance with such amount. If in any year this amount is exceeded, a certificate must be supplied stating the highest amount advanced on security of the mortgage, and further duty paid accordingly before July 1 in any such year. When the mortgage is paid off a declaration must be supplied stating the highest amount at any time advanced on the security in question, and the further duty owing (if any) must be then paid.

Constitution.—The Constitution Act, 1855, provided that no man should be entitled to vote at the election of a member of either House of the Legislature or himself be capable of being elected who had been attainted or convicted of treason, felony or other infamous offence in any part of His Majesty's Dominions unless he had been pardoned or served the sentence passed upon him. This is now repealed (No. 16), and the following section is substituted: "No person who is of unsound mind or is in prison under any conviction shall be entitled to vote at any election of a member or be capable of being elected a member of the Legislative Council or House of Assembly."

Larceny.—By No. 18 the following definition of stealing (which covers a fraudulent conversion by a bailee or part owner) is added to the Larceny Act, 1863: "A person steals who without the consent of the owner fraudulently and without claim of right made in good faith takes and carries away anything capable of being stolen with intent at the time of such taking permanently to deprive the owner thereof." There follow certain amplifications of expressions employed in the definition: "taking" is to include obtaining possession by any trick; by intimidation; through a mistake on the part of the owner, if the taker knows of such mistake, or by finding, if at the time of the finding the taker believes the owner can be discovered by reasonable means. The expression "carries away" is to include any removal of anything from the place which it occupies, and the expression "owner" includes any part owner or person having possession or control of, or a special property in, anything capable of being stolen. It is further provided that upon an information for stealing an accused person may be found guilty of obtaining by false pretences. There is a new clause dealing with the offence of receiving stolen goods: and the offence is declared to be a felony (punishable with fourteen years' imprisonment) in cases where the original taking amounted to a felony; and a misdemeanour (punishable with seven years' imprisonment) where the original taking amounted to a misdemeanour.

Companies.—The special requirements in the principal Act regarding Companies established outside Tasmania which carry on business in Tasmania are amended (No. 23) by exempting the life assurance business of any company subject to "The Life Assurance Companies Act, 1874," or any proprietary company from the obligation to file with the Registrar a copy of the last general balance-sheet of the company. A "foreign" trustees and executors company which is simply administering the Tasmanian portion of an estate is exempted from all requirements under these provisions.

6. VICTORIA.

[*Contributed by* His Honour Judge Zichy-Woinarski, K.C., J. T. Collins, Esq., K.C., *and* A. D. Ellis, Esq., LL.B., Litt.D.]

Second Session of Twenty-seventh Parliament: Acts passed—94.

Factories and Shops.—This Act (No. 3181) exempts from the provisions of certain regulations under the Factories and Shops Act, 1915, fruit shops in a specified area in the central portion of the city of Melbourne. The practical result of this exemption is to permit the fruit shops concerned to remain open later at night.

Act No. 3252 makes provisions with respect to fees for registration of factories and shops, the providing of seats for female employees, penalties for not providing guards for machinery, restrictions on youths and women working near machinery, closing hours for tobacconists' shops, restrictions on hours for carting goods, administration of Factories and Shops Acts with respect to Wages Boards, and powers of Wages Boards in fixing rates of wages and hours of work.

It also gives the Governor in Council power to exempt certain new industries from the operation of the determination of Wages Boards.

Poisons.—This Act (No. 3182) authorizes the appropriate Minister of the Crown to deliver to hospitals or public institutions opium which has

been forfeited to the Crown, instead of having it destroyed as was necessary under the provisions of the Poisons Act, 1915.

Farm Produce Agents.—This Act (No. 3184) makes minor amendments of the Farm Produce Agents Act, 1920, with the object of simplifying the machinery for renewing licences.

Electoral.—Act No. 3188 repeals the provision of the Electoral Act, 1920, under which a member of the State Parliament, resigning his seat for the purpose of contesting a Commonwealth election, might, if he were not elected to the Commonwealth Parliament, be declared elected, without the holding of a poll, for the seat which he had resigned in the State Parliament.

Railways.—The Border Railways Act (No. 3194) ratifies and makes provisions for carrying out the agreement, a copy of which is set out in the First Schedule, between the States of New South Wales and Victoria with regard to the construction and operation of certain lines of railway near the boundary of those States, and for the construction and maintenance of certain bridges over the River Murray.

The Railways Board of Discipline Act (No. 3227) amends the provisions of the Railways Act with respect to the Board of Discipline. The constitution of the Board is altered and its proceedings regulated. Railway employees are to nominate their representative on the Board by ballot.

Vermin and Noxious Weeds.—This Act (No. 3195) repeals the Thistle Act, 1915, and a large part of the Vermin Destruction Act, 1915, but it substantially re-enacts the provisions repealed, with important amendments, particularly with respect to administration.

There is to be a Superintendent of Vermin and Noxious Weeds Destruction, who will have control of the inspectors and other employees under the Act and whose duty it will be to visit and inspect, so far as practicable, all lands to which the Act applies.

The Act contains provisions for dividing Victoria into not less than five vermin and noxious weed areas, and municipal councils within any such area may cause meetings of municipal delegates to be convened for the purpose of recommending to the Minister what animals or birds should be declared vermin and what plants noxious weeds, and also what animals, birds or reptiles should be proclaimed as natural enemies of vermin.

Various governmental corporations, such as the Board of Land and Works, the Victorian Railways Commissioners, the State Rivers and Water Supply Commission, the Country Roads Board, the State Electricity Commission and others are placed under the duty of destroying and suppressing vermin and noxious weeds on certain lands vested in or controlled by them.

Private owners of land abutting on public roads in the mallee country may, if they satisfy the Superintendent that such action is desirable, destroy saplings, shrubs, etc., on the half-width of road abutting on their land, in order to prevent them serving as harbour for vermin.

Where the Minister is of the opinion that the immediate suppression of noxious weeds on the whole of any land would entail an unreasonable expenditure, he may permit the owner to suppress noxious weeds from time to time on specified portions which may be increased from year to year.

Proclamation of what are : (*a*) vermin ; (*b*) noxious weeds ; (*c*) natural enemies of vermin ; remains in the hands of the Governor in Council.

Land Surveyors.—Act No. 3196 amends the Land Surveyors Act, 1915, increases the fees payable to the Surveyors Board for examinations, licences, etc., slightly modifies the constitution of the Board and adds to its powers of suspension or cancellation of the licence of an offender the power of merely cautioning him and ordering him to pay the costs of the inquiry.

Friendly Societies.—By Act No. 3198 the Friendly Societies Act, 1915, is amended so as to prevent the registration of any new dividing societies, and provides for the termination in the future of all existing dividing societies.

Rating.—Rating on Unimproved Values Act (No. 3199) consolidates the law as to rating on unimproved values by municipalities, and makes minor amendments. The adoption of the system is optional in each municipality, as is the rescission of the adoption. If the council does not move in the matter the ratepayers may demand a poll on the question.

The Act contains provisions whereby the public corporations or authorities (other than the municipality concerned) which are empowered to make and levy rates in respect of land in the municipal district where this Act has been adopted, are to adopt as their valuations the valuations still to be made by the municipality on the basis of the net annual value.

Provision is made also for the rating of school properties so that only the area on which the school buildings themselves are standing shall be taken into account.

Treasury Bills and Advances.—Act No. 3200 was passed to authorize the issue up to June 1927 of Treasury bills and the obtaining of temporary advances pending the flotations of loans authorized by Parliament.

Public Works (Sinking Funds.)—Act No. 3201 provides for sinking funds to be formed in connexion with the expenditure on certain specified public works, including university buildings, schools, hospitals for the insane, gaols, agricultural colleges, bridges and buildings, etc., and for the improvement of tourists' resorts.

Agricultural Education.—Act No. 3204 permits of the engagement by special contract of thirty persons, holding degrees of the University of Melbourne in agricultural science, to be officers of certain Government departments.

Juries.—This Act (No. 3205) is aimed at the prevention of interference with juries. To this end it prohibits the sheriff or his officers from making known the names upon any panel from which the jury are to be struck in any criminal inquest, requires that summonses to jurors in criminal inquests shall be served by a member of the police force by personal delivery, and imposes a duty of secrecy on members of the police force with regard to their knowledge of jurors.

The Act further prohibits the calling aloud of addresses of jurors in court in criminal cases, and prohibits publication in newspapers of the names and addresses of jurors, and provides penalties for breaches.

Gaming and Wagering.—This Act (No. 3206) re-enacts the substance of s. 111 of the Instruments Act, 1915, which embodied the provisions of 5 & 6 William IV, c. 41, s. 1, as to the illegality of the consideration for securities for gaming contracts ; but repeals s. 112 of the Instruments Act, which, repeating the provisions of s. 2 of the Act of William IV made, in effect, moneys paid in respect of such securities recoverable

by the person who paid them. Subject to the limitations expressed in the Act the repeal is retrospective. It also exonerates trustees, executors, etc., from liability for breach of trust for not making or enforcing claims under the section prior to its repeal.

Architects.—The Architects Registration Act (No. 3207) provides for the constitution of an Architects Registration Board of seven members to be appointed by the Governor in Council, and prescribes its duties, *e.g.* determining courses of study and examinations for persons desiring to be registered as architects, and the keeping of the register of registered architects.

It further provides the qualifications for registration, and disallows the use of the description " registered architect " to any person not on the register.

The registration may be cancelled or suspended in certain circumstances, and penalties are provided for disobedience of the directions of the Board or for breaches of the regulations which the Board, with the approval of the Governor in Council, is empowered to make.

Libel Law.—The effect of this amendment (No. 3208) is to render privileged reports in newspapers of meetings of municipal councils to which the public and press reporters were admitted, provided it is proved that such report was published *bona fide* and without malice. But the privilege is not to be available as a defence if the defendant has neglected to insert, after he has been requested to do so, a letter of contradiction or explanation of the report.

Stamp Duty.—Stamps Act (No. 3214) amends the provisions of the Stamps Act, 1915, with respect to the amount of stamp duty payable on conveyances, etc., of interest in real property, and extends for another four years provisions requiring the payment of double stamp duties on certain instruments.

Income-tax.—Act No. 3215 declares the rates of duties of income-tax for the year, and limits to persons with taxable incomes of less than £800 the right to deduct certain medical and funeral expenses and payments to Friendly Societies.

Real Estate Agents.—Act No. 3216 defines " real estate agent," and provides, with certain exceptions, that no person may act as such without a licence. Persons desiring to obtain or to renew a licence are to apply to a Court of Petty Sessions and lodge a fidelity bond of £250; and there are provisions for objections. A register of agents licensed is to be published in the Government *Gazette*, and unlicensed agents are disqualified from bringing proceedings in any Court to recover commission, etc., for services rendered in the capacity of real estate agent.

Real estate agents who receive money on behalf of any person in respect of the purchase, etc., of real estate are to pay such money into a trust account and are not to withdraw it except for the purpose of paying the person entitled.

There are provisions for the renewal and transfer of licences, for offences and penalties, and for fees payable for licences, renewals and transfers.

Workers Compensation.—Act No. 3217 amends the definition of " worker " in the Workers Compensation Act, 1915, so as to exclude persons whose remuneration exceeds £350 per annum. The old figure was £250. It provides that both tributer and subtributer in a mine shall be deemed to be employees of the lessee or owner of the mine,

and that certain contractors who enter into contracts to fell trees, cut scrub, etc., shall be deemed to be working under a contract of service. A similar provision is made with respect to co-operating parties in a mine who enter into contracts to work the mine. The amount of compensation payable is, in certain cases, increased. The burden of proving that the worker is insured is placed in certain cases on the employer.

The Act extends further protection to workers who come under schemes of compensation.

Constitution.—The Constitution Act Amendment Act (No. 3218) provides for the reimbursement of expenses of members of the Legislative Council at the rate of £200 per annum.

Public Accounts Committee Act (No. 3246) amends the Constitution Act Amendment Act, 1915, to enable members of that Committee to be reimbursed their expenses in relation to their attendance in the discharge of their duties as members of the Committee.

Drainage Areas.—This Act (No. 3224) empowers Municipal Councils which have completed a drainage work pursuant to the provisions of the Drainage Areas Act, 1915, to make and levy a special maintenance charge for the maintenance of the works.

Sewerage Districts.—Act No. 3225 raises the rate of interest payable pursuant to the Sewerage Districts Act, 1915, on unpaid rates and unpaid instalments of costs.

Milk Supply.—Under this Act (No. 3226) municipal councils are authorized to establish milk depots, to buy milk for treatment at such depots, to manufacture ice, to sell to dairies or factories milk so treated, and to cleanse and sterilize utensils and appliances used in connexion with the supply or distribution of milk.

Provision is made for the appointment of a Milk Supply Committee to prepare regulations and to publish advice with respect to milk supply and the prevention of the contamination of milk. In cases where regulations have been made for the grading of milk, milk must be of the grade prescribed. There is also provision for the maintenance of a laboratory.

Part II of the Act makes minor amendments of the Dairy Supervision Act, 1915, and provides for the registration and supervision of cows which are not on dairy farms, and prohibits from selling milk persons not licensed in that behalf.

Vineyards.—Mildura Vineyards Protection Act (No. 3229) amends the Act of the same name passed in 1918, with a view to enabling boards to inspect fruit, etc., upon its being brought into the district, and to prohibit or regulate the introduction of fruit-trees, plants, etc., which are likely to introduce disease.

Primary Products Advances.—Act No. 3231 permits the Treasurer to waive the right to enforce mortgages, etc., on any portion of land on which the mortgagor company proposes to erect dwelling-houses for its employees.

Tourists' Resorts.—Act No. 3238 provides for the proclamation by the Governor in Council of areas as tourists' resorts and empowers the same authority to appoint a Tourists' Resorts Committee to make recommendations and act in a general advisory capacity with respect to the improvement of tourists' resorts and tourists' roads. There is also a power to the Governor in Council to make regulations.

State Savings Bank.—Act No. 3249 enables provision to be made for payment of retiring allowances to officers and servants of the bank,

increases the maximum amount which may be deposited by any depositor, enables the Commissioners to fix differential rates of interest in certain cases, and amends the Housing and Reclamation Act, 1920, so as to allow an increase in the costs of certain homes to be built pursuant to that Act and to enable dwelling-houses to be provided under that Act by farmers for farm labourers employed by them.

Trustees' Investments.—Act No. 3251 authorizes trustees to invest trust moneys in the securities of the Government of the Commonwealth or of any State or of the Dominion of New Zealand.

Closer Settlement.—Act No. 3253 amends in numerous particulars the Closer Settlement Act, 1915. It provides for a Director of Land Settlement and makes other administrative changes, and enlarges the powers of the Closer Settlement Board with respect to the selling and cultivation of land and advances to settlers. The maximum of amount of advances and loans to settlers is increased; there is power to the Board to reserve and take easements in certain cases; and Councils of municipalities are constituted advisory committees to advise the Board with respect to the selection and purchase of land within their municipal districts. Provision is made for the proclamation of certain lands as mountainous areas where such areas are required for disposal to groups of not less than five settlers, and supervision of settlers is provided for in certain cases. The Treasurer is empowered to accept assignments of deferred gratuities for war service granted by the Government of any part of His Majesty's Dominions for the purpose of facilitating the settlement of the grantees. Minor amendments of the Discharged Soldiers Settlement Acts are also made.

Masseurs Registration.—Act No. 3254 provides for the constitution of a Masseurs Registration Board, with power to hold examinations and issue and cancel certificates of registration of masseurs. A register of masseurs is to be kept, and the qualifications for registration are set out. Unregistered persons are not to take the title of "masseur" or "masseuse," and are not to practise. Necessary administrative provisions are made, and the Board is empowered, with the approval of the Governor in Council, to make regulations providing for the course of training, fees, standards of examination, form of the register, etc.

Licensing.—Act No. 3259 provides for the grant to corporations and firms of licences to sell liquor, and makes numerous amendments of the Licensing Acts to facilitate administration. Power is given to executors, trustees, etc., to carry on business in case of death, insolvency, lunacy, etc., of the licensee. New provisions are made with respect to rebuilding and alterations of licensed premises, and the restrictions on Sunday trading are strengthened. Holders of Australian wine licences are required in certain cases to provide bedroom and dining-room accommodation.

The Act provides that a vote of the electors for the Legislative Assembly shall be taken in 1930 and once in every eighth year thereafter, on the question of abolition or restoration of licences. The Court is given power to reduce the number of licences for any licensing district where more licences are in force than are required, and the Act enables the Court to grant permits to supply liquor on special occasions, and extends throughout Victoria the power to grant new victuallers' licences which previously was limited to the mallee district.

Hospitals and Charities.—Act No 3260 provides in Part I for the constitution of a Charities Board with two standing committees, one

Metropolitan, the other Country, to which the Board may delegate certain of its powers and duties. The Board is to make careful inquiries into the administration of subsidized institutions and benevolent societies, and to report to the Minister what amount of charitable relief is necessary for the needs of the sick and destitute residents of Victoria, what institutions should be subsidized and to what amount, and to recommend amendments of legislation. The Board in certain circumstances may also recommend the closing or amalgamation of existing institutions. The registration of institutions is provided for. A Hospital and Charities Fund is to be established, and the Board is to recommend its allocation.

Part II of the Act re-enacts with amendments the Hospitals and Charities Act, 1915, and provides for the incorporation of certain institutions, and contains provisions for the internal administration of institutions, and deals with trusts for institutions, including provisions as to custodian trustees ; and the remainder of the Act makes provision with respect to the liability of patients in institutions, with the resumption of lands for institutions, and the making of regulations by the Governor in Council.

Trusts.—Act No. 3261 provides, in effect, that trustees, when buying or selling debentures bearing interest at a fixed rate, which interest is not due at the time of the purchase or sale, may adjust, as between corpus and income and as at the time of the purchase or sale, the amount paid or received.

Police Offences.—Act No. 3262 makes further provision with respect to the carrying of lights by vehicles travelling at night, to the forfeiture of offensive weapons on conviction, and to indecency in films, advertisement posters, etc.

Restrictions are set on the use of air-guns by young persons, and " air-gun " is defined.

Town Planning.—The Metropolitan Town Planning Commission Act (No. 3263) provides for the constitution of such Commission, limits its duration to three years and its costs to £7,500, and imposes upon it the duty of inquiring into and reporting upon the conditions and tendencies of urban development and of recommending the means by which that development may be best guided. Roads, traffic, transportation, waterfront and river improvement, amenities, buildings and food supplies are among the matters specially indicated as of importance, and the Commission is directed to consult with the municipalities and public authorities concerned.

Supreme Court.—Act No. 3264 amends the Supreme Court Act, 1915, with respect to foreign procedure, and adopts the English Rules with respect to service out of the jurisdiction.

Electricity.—The State Electricity Commission Act (No. 3265) makes provision as to the supply of electricity to municipalities not within 25 miles of the city of Melbourne, and increases the powers of the Electricity Commissioners with respect to the purchase of undertakings and enables them to demise lands not immediately required for the purposes of the Commission.

Brands.—Act No. 3266 explains in its First Schedule Robertson's method of ear-marking and branding stock, in which, by attaching numerical values to marks, an almost unlimited supply of distinct brands may be secured. Persons may obtain the registration of a brand or ear-mark, and the Act protects the use thereof. Provision is made for

transferring or cancelling brands and ear-marks and for keeping a register of brands and ear-marks. No person may manufacture branding-irons and pliers to be used under the Act unless licensed.

The other provisions are chiefly administrative, but offences, penalties and regulations are provided for.

Fire Escapes.—The Fire Escapes (Melbourne) Act (No. 3267) makes provision for reports to the council of the city of Melbourne upon buildings in the city of Melbourne (which are not governed by existing by-laws) with respect to the means of escape from them in case of fire, and provides for the carrying out of the works necessary to bring them into a safe condition.

There are the usual provisions for objections and appeals, and a Board of Appeal is constituted.

Libraries.—Act No. 3268 extends, in certain circumstances, the powers of trustees of public libraries with respect to lands vested in them, and gives such trustees power to demand and receive fees from persons coming upon lands and buildings so vested. Better facilities are provided for the appointment and resignation of trustees.

Scaffolding Inspection.—Act No. 3269 sets out in the Schedule the regulations to be observed in erecting and using scaffolding. Councils of municipalities are directed to appoint inspectors in order to secure the observance of the Act. Scaffolding and gear used are to comply with the requirements of the regulations. Notice is to be given to the inspector before scaffolding is erected, and also when any accident occurs in connexion with the use of scaffolding. Penalties are provided for any breach of the Act and the regulations.

Imperial Acts Application.—This Act (No. 3270) is one of the most important Acts ever passed by the Victorian Legislature. The consolidation of the Victorian Acts carried out in 1915 by His Honour Mr. Justice Cussen (now Sir Leo Cussen, the acting Chief Justice) did not contain the whole of the statutory law in force in Victoria. Necessarily it did not include Commonwealth legislation or legislation of the Imperial Parliament expressly or otherwise of paramount force in Victoria. It did not deal with Acts of a merely local and personal nature, which may be described as Private Acts. In addition to these, there were certain "Imperial enactments" which were introduced into New South Wales under 9 George IV, c. 83, and which, or a large part of which, continued in operation in Victoria when Victoria became a separate colony. These last-mentioned enactments were also omitted from the consolidation of 1915, although they are subject to the control of the Victorian Legislature.

The main object of the Imperial Acts Application Act is to deal with these enactments in such a manner as to make them readily accessible, and also to further the work of consolidating the statute law over which the Parliament of Victoria has jurisdiction.

His Honour examined the "Imperial" Acts up to the time of the passing of the Act 9, George IV, c. 83, in order to ascertain what enactments then in force in England were in operation in New South Wales by virtue of that Act. From these were eliminated such as had been expressly or impliedly repealed by competent legislative authority. The remaining enactments were then divided into four classes:

(*a*) Certain enactments which were found to be undoubtedly in force in Victoria.

These are consolidated in Part III of the Act, in some cases with amendments, and are now enacted as part of the statute law of Victoria.

(*b*) Enactments mentioned in the First Schedule and transcribed in whole or in part in Part II of the Act under the heading of "Transcribed Enactments."

These have not been re-enacted, but by virtue of s. 4 "continue to have in Victoria, whether separately or in combination with any unrepealed enactment or statutory provision, such force and effect, if any, as they had at the commencement of the Act." Some of these have been judicially declared to be in force in Victoria, and it is possible that others might be declared to be so; but, for the reasons stated by His Honour in an explanatory memorandum to the Bill, it was thought expedient to leave them to their present operation and not to include them among the consolidated enactments in Part III of the Act. Those portions of these enactments which are enumerated in the First Schedule and are not transcribed in Part II of the Act come within the repealing provisions of s. 7.

(*c*) Enactments mentioned in the Second Schedule to the Act.

These, to the extent specified in s. 6, are unaffected by and excepted from the provisions of the repealing section. They are not included in the "transcribed enactments" set out in Part II of the Act, for several reasons, as, for example, that they do not arise for consideration so frequently as the transcribed enactments or that they are not so readily transcribed or consolidated, or that parts of them deal with matters beyond the powers of the Parliament of Victoria or contain provisions beyond those powers.

(*d*) Enactments of undoubtedly Imperial concern, such as those relating to the title and succession to and settlement of the Crown are, speaking generally, not enumerated in either the First or the Second Schedule. It was thought more appropriate to leave them to the operation of the general words in section "five," which describes in general terms the enactment not affected by the repeal.

S. 3 defines the editions of the "Imperial" statutes referred to in the Act.

S. 4 states the effect of the Act on the "transcribed enactments" mentioned in the First Schedule to the extent set out in Part II of the Act. It declares, in effect, as already stated, that these are to continue to have such force and effect (if any) as at the commencement of the Act. It makes further provision as to the construction of enactments which are not set out in full, and as to the recognition of the translation as set out of enactments passed before the reign of Henry VII.

S. 5 states in general terms what enactments are not affected by the repealing section (s. 7). This section is in the following terms:

"(1) Nothing in s. 7 shall affect or apply to or be construed as affecting or applying to any enactments which (independently of the provisions of the Act 9 George IV, c. lxxxiii):

"(*a*) By express words apply to the dominions or other possessions of the Crown and which on their proper construction are applicable to Victoria as being included in such dominions or other possessions.

"(*b*) By necessary intendment either as involving matters of Imperial concern or otherwise are applicable to Victoria.

"(2) Without limiting the generality or effect of the provisions of the last preceding sub-section, nothing in s. 7 shall affect or apply to or be construed as affecting or applying to any enactments (so far as they are in force in England at the passing of this Act) relating to the security or safety of the Sovereign.

"(3) Nothing in s. 7 shall affect or apply to or be construed as affecting or applying to any enactment relating to naval or military matters or to naturalization, nationality, or aliens, or to copyrights, patents of inventions or designs or trade marks, or to any matter with respect to which the Parliament of the Commonwealth of Australia has made or hereafter makes any law with which a repeal if effected by such section would be inconsistent."

The subjects mentioned in sub-s. (3) of this section are matters as to which the Parliament of the Commonwealth has power to legislate.

S. 6 deals with the enactments mentioned in the Second Schedule.

S. 7 is the general repealing section. It has a number of saving provisos, and, in addition, it provides that "save as aforesaid," (that is, save as provided in the preceding sections) "all the enactments (commencing with the Statute of Merton, 20 Henry III, A.D. 1235-6) in force in England at the time of the passing of the Act 9 George IV, c. lxxxiii, are, so far as they are in force in Victoria, and so far as the Parliament of Victoria has authority to repeal them, hereby repealed in and for Victoria."

It may be noted that the term "Imperial" was used by His Honour as "the only suitable compendious expression covering legislation of the Parliaments of England, Great Britain, and the United Kingdom."

When the Bill was introduced into Parliament it was accompanied by an illuminating explanatory paper prepared by Sir Leo Cussen, from which the foregoing summary has been compiled. This explanatory paper contains a table of the more important repealed enactments.

Note.—Of the Acts passed and not hereinbefore specifically dealt with, the great majority consists of the usual financial measures of the Government, and Acts of purely local or personal application.

7. WESTERN AUSTRALIA.

[*Contributed by* F. L. Stow, Esq., LL.D.]

The second session of the Eleventh Parliament of Western Australia opened on July 27, 1922, and closed on February 8, 1923. Forty-six Statutes were passed (including two private Acts). Those which are considered to be of general interest are reviewed below.

Attorney-General (Vacancy) in Office (No. 24).—This Act provides for the appointment of a Minister for Justice whenever there is a vacancy in the office of Attorney-General, and enacts that whenever under any Statute or otherwise any act is required to be done by, to, or with reference to the Attorney-General, then, during any vacancy in the office, it may be done by, to, or with reference to the Minister for Justice.

Light and Air (No. 26).—By Act 1 & 2 Edw. VII, No. 29, acquisition of easements of light and air by prescription was abolished, and grants of such easements were restricted in duration to twenty-one years. By the Act now under review the restriction of such grants is varied,

and it is enacted that they may endure for longer if the approval in writing of the Governor is given. A further restriction is, however, imposed, for it is provided that no such grant shall have effect or be enforced so as to prevent the erection of any building on the alignment of a street to a depth of twelve feet.

Public Education (No. 27).—By this Act permission is given to parents or guardians of children attending any Government school, together with other persons interested in the welfare of such schools, to form a "Parents and Citizens' Association." Whenever such an association has been established a school board may be chosen by the members, subject to the approval of the Minister of Education.

The duties of a school board are:

(*a*) To advise the Department of Education on the material required by the school, and on repairs, etc. (*b*) To advise on places and sites of new buildings. (*c*) To carry out urgent repairs. (*d*) To advise on applications for temporary use of school buildings. (*e*) To induce parents to send their children to school. (*f*) To arrange for the accommodation of teachers. (*g*) To perform such other duties as may be prescribed by the Governor.

Married Women's Protection (No. 28).—This Act repeals the Summary Jurisdiction (Married Women) Act, 1896 (which adopts the provisions of the similarly named English Statute), and substitutes other provisions taken from a South Australian Act (No. 664 of 1896). The condition that to entitle a woman to the protection of the Act she must have been compelled by his conduct to live separately and apart from her husband is abolished, and the benefit of the Act may be obtained when the husband has been guilty of (*a*) cruelty to her or any of her children; (*b*) adultery; (*c*) desertion; (*d*) wilful neglect to provide reasonable maintenance for her or any of her children.

The relief that may be granted is similar to that authorized by the English Statute, and may include an order having the effect of a judicial separation.

Administration (No. 29).—This is an amendment to the Administration Act, 1903, and alters the rights of succession when an intestate dies without issue, leaving a father and mother, or a father only or a mother only.

In the former case, if the whole or any part of the estate would (but for this amending Act) devolve on the father, the same shall be distributed:

(i) Where the net value of the property of the deceased does not exceed £1,000, equally between the father and mother;

(ii) Where the net value of such property exceeds £1,000, then as to the sum of £1,000 equally between the father and mother, and also in like proportions as to the residue if there are no brothers or sisters or children of deceased brothers or sisters surviving; but if there are any such relatives surviving, one half of the residue is to go to the father and mother equally, and the other half to and amongst such relatives equally *per stirpes*.

In case one parent only is left surviving, then the whole of the estate of the intestate to which the intestate's widower or widow (if any) is not entitled is to go:

(i) Where the net value of such property does not exceed £1,000, to the surviving parent;

(ii) Where the net value exceeds £1,000, to the surviving parent if there are no such relatives as aforesaid surviving; and where there are such relatives then as to £1,000 and half of the residue to such parent, and as to the other half of the residue to and amongst such relatives equally *per stirpes*.

Pearling (No. 32).—This Act provides for the better regulation in certain respects of the pearl shell fisheries and dealing in pearls and pearl shell.

It creates a new form of licence—the diver's tender's licence, and provides that divers' and divers' tenders' licences shall last for a term of three months only. By this amendment it is considered that more effective control will be obtained over divers and their tenders.

Another amendment renders a ship liable to forfeiture if an unqualified person acquires an interest in it or any pearling operations in which the ship is engaged.

There are also other amendments:

(i) Increasing the fee for a pearl cleaner's licence from £2 to £5 per annum.

(ii) Making the provisions requiring pearl dealers to be licensed applicable to the whole State; but those dealers who desire to do business south of the 27th parallel of South Latitude only may take out a limited licence (costing £5 per annum) instead of a general licence, for which a very much larger fee is payable.

(iii) Enabling a superintendent to prevent the employment of a person as pearl fisher if such person is, in the opinion of the superintendent, of evil fame, and requiring that before a pearling ship proceeds to sea, the master must be approved by the superintendent, and must actually go and remain on board such ship.

(iv) Empowering inspectors to prevent pearling ships proceeding to sea if unseaworthy.

(v) Giving a right of appeal to a magistrate against an order of an inspector forbidding a ship to be employed in pearling or taken to sea for the purpose of being so employed, and an appeal is also given to a master or pearl fisher against any adverse order of a superintendent.

A section is inserted to prohibit the cultivation of "culture-pearls," by which expression is meant any pearls, baroque pearls, or blister pearls of the pearl oyster, but produced by means of artificial cultivation. Artificial cultivation includes the production of culture pearls by the insertion within the shell of some foreign substance, or by any other artificial treatment of the pearl oyster.

Land (No. 34).—In view of the land settlement and immigration policy of the Western Australian Government, s. 5 of this Act is worthy of mention. It provides that land may be disposed of under Parts V and VIII of the Land Act, 1898 (relating to conditional purchases of agricultural lands and to free homestead farms), without such land being declared open for selection, to applicants approved by the Minister for Lands under any scheme for group settlement.

Dairy Cattle Improvement (No. 36).—This Act provides for the registration of bulls. It applies only to areas defined from time to time by the Governor. If any unregistered bull over the age of nine months is kept within any such area, the owner is guilty of an offence. Registration is to be annual. After the expiration of two years from the commencement of the Act, registration may be refused in the case

of a bull which is below such reasonable standard as is prescribed by regulations made under the Act; but an appeal will lie from any such refusal to a board consisting of the departmental dairy expert and two cattle breeders selected by the Minister.

Dairy Industry (No. 37).—The registration of all premises used as a dairy produce factory or store is provided for by this Act. An exception is, however, made in the case of the premises of a farmer used by him for the preparation or storage of dairy produce. The appointment of inspectors under the Act is authorized, and extensive powers for inspection are given. The manufacture of dairy produce is regulated; the grading of cream supplied to factories is provided for; and the manufacturer, in making butter from such cream, is required to keep apart and not mix the various grades either as cream or butter. Any butter made from cream which has been graded must be put up in packages bearing a brand registered under the Act, representing the grade or quality of the butter. Butter for export is also required to be graded.

The Act also contains various provisions regarding the manufacture of margarine, and requires that that article of diet must be examined and certified by an inspector before it is allowed to be exported.

Licensing (Nos. 38 and 39).—The former of these Acts relates to the employment of Asiatics on licensed premises, requiring the registration in the Licensing Court of all those employed on August 15, 1922, and forbidding the employment, except in the North Province of the State, of any Asiatic who is not registered. This Act was reserved, and the royal assent thereto has been proclaimed.

The latter Act effects extensive alterations in the law, and was the *pièce de résistance* of the session.

Its main objects are:

(1) To constitute one licensing bench which shall constitute the Licensing Court for each district throughout the State.

(2) To prevent the issue of any new licence except for premises as to which the Governor, pursuant to a petition of the majority of the electors residing within forty chains of such premises, has authorized the Court to grant a licence.

(3) To increase the fees payable for licences by providing that, as regards the principal classes of licences, there shall be payable a half-yearly fee equal to 5 per cent. of the amount paid during the half-year for liquor purchased by the licensee, in addition to a fixed annual fee which varies according to the valuation of the premises.

(4) To abolish the system of local option which was established by the Act of 1911, and to substitute a Licences Reduction Board, and also a system of general prohibition polls, the first to be taken in the year 1925.

There are also numerous amendments of minor importance. The old familiar *bona fide* traveller is abolished in the capital and within twenty-one miles thereof; a higher standard of accommodation in licensed premises is insisted on; and the law regarding the consumption of liquor in clubs is made stricter.

The system of local option which this Act abolishes can only be characterized as a hopeless failure. Until the year 1921 the only questions submitted to the electors were (*a*) continuance, or (*b*) increase, and these did not excite very much interest. In 1921 the four questions—

continuance, increase, reduction, or no licence—were submitted. The vote was taken in each district separately, and resulted in things being left much as they were before. A few districts voted reduction, but these were for the most part districts in which the licensed houses were comparatively few. In the districts in which licensed houses are numerous "continuance" was the rule. Even in those cases where "reduction" was voted, the reductions actually made by the Licensing Court were few and made little practical difference.

The Licences Reduction Board consists of the same persons who constitute the General Licensing Court. It will last for only six years, as the part of the Act providing for reduction will only endure for that period.

It is the duty of the Board:

(*a*) To reduce the number of licences to the extent that the moneys standing to the credit of the compensation fund allows of compensation being paid to the licensees, owners, and others;

(*b*) To determine which of the licensed premises in any district shall be deprived of licences;

(*c*) To assess the compensation payable.

But after June 30, 1923, the Board may refrain from further reductions if, in its opinion, having regard to the principles laid down in the Act, further reduction is unnecessary.

The matters to be taken into consideration in determining what licenses are to be annulled are copied from Victorian legislation, and the principles governing the payment of compensation are modelled on the legislation of Victoria and New South Wales.

The compensation fund will be made up of contributions from licensees equal to 2 per cent. on the cost of the liquor purchased by them respectively. For the purpose of these contributions, as well as of calculating the licence fees, the cost of liquor is exclusive of the amount paid for duty.

Under the part of the Act relating to prohibition, a poll is to be taken every five years. The question to be submitted will be, "Do you vote for prohibition?"; but if on the taking of a poll prohibition is carried, then so long as that vote remains in force the question on any poll will be whether licences shall be restored. The persons entitled to vote are to be those entitled to vote for the Legislative Assembly. A proposal at a poll is carried if three-fifths of the votes given throughout the State are favourable, provided that at least 30 per cent. of all the electors vote for the proposal.

The effect of prohibition will be to abolish all licences and to prohibit the disposal of liquors in clubs, and generally to prevent the sale, supply, barter or other disposal of liquor throughout the State.

No compensation will be payable to any person owing to loss sustained through prohibition being carried.

Workers' Compensation (No. 9 of 1923).—This amendment extends the benefits of the Workers' Compensation Act to (*a*) any person to whose service an industrial award or agreement applies; (*b*) any person working in connexion with the felling, hewing, hauling, carriage, sawing or milling of timber for another person who is engaged in the timber industry, for the purposes of such other person's trade or business, under a contract for service, the remuneration of the person so working being in substance a return for manual labour bestowed by

him upon the work in which he is engaged, and (*c*) any person engaged in manual labour under the Controller of Group Settlements, under a scheme for group settlement of Crown lands.

It is provided, however, with regard to the last-mentioned class, that insurance against liability under the Act shall be charged to the cost of the work done under the scheme and apportioned by the Controller between the several blocks comprised within each group.

Electoral Districts (No. 10 of 1923).—Provision is made by this Act for the redivision of the State into electoral districts by Commissioners appointed by the Governor. The principles to be followed are laid down in the Act, and it is provided that the scheme adopted by the Commissioners shall be submitted to Parliament in the form of a Bill.

Miners' Phthisis (No. 16 of 1923).—This attempt to combat the scourge of miners authorizes the Minister to appoint and employ such medical officers as he may think fit for the purposes of the Act, and to issue to every such officer a certificate of his appointment.

An obligation is imposed on every person engaged in mining operations in or about a mine to submit himself for examination to a medical officer as and when required so to do.

Every employer of persons engaged in mining operations is required to :

(*a*) Supply to a medical officer or to the Under-Secretary for Mines, whenever required so to do, a list of all persons employed on, in or about his mine.

(*b*) Afford to all persons so employed reasonable facilities for submitting themselves, without loss of pay, to medical examination.

(*c*) Permit any medical officer to have access to the mine for the purposes of and in the execution of his duties under the Act.

By s. 8 it is provided that if a medical officer reports in writing to the Minister that a person therein named is suffering from tuberculosis, and engaged in mining operations, the Minister may, by notice served on such person and his employer, prohibit the employment of such person on, in or about a mine or part of a mine to which the section applies. A right of appeal is given against such a notice to an appeal board consisting of the principal medical officer and two medical practitioners. The section applies only within such districts and to such mines or parts of mines as are specified from time to time by Order in Council published in the *Gazette*.

By the same section it is also provided that whenever a medical officer reports in writing to the Minister that a person named in such report, and engaged in mining operations, has so developed symptoms of miners' phthisis, uncomplicated by tuberculosis, as to indicate that further employment in the mine would be detrimental to his health, the Minister shall notify such person accordingly.

Provision is made for giving any person whose employment is prohibited as aforesaid a right to receive from the Department of Mines compensation equal to the ruling rate of pay in the district in which he was employed, until other suitable employment is found and offered to him by the Department.

Pensioners (Rates Exemption) (No. 18 of 1923).—This Act relieves invalid and old age pensioners from liability to pay rates (municipal, road, water, and sewerage) during their lifetime, in respect of lands

occupied by them as owners; but the rates on any such land are a charge thereon which may be enforced after the death of the owner.

Agricultural Seeds (No. 21 of 1923).—By this Statute the Governor is empowered to prescribe:

(*a*) The minimum percentage of pure germinable seeds which must be contained in any quantity of any kind of agricultural seeds the subject of any sale.

(*b*) The proportion or amount of impurities or weed seeds which shall not be exceeded in any quantity of any kind of such agricultural seeds.

The expression "agricultural seeds" means farm and garden seeds which are sold for the purpose of planting, except flower seeds, and includes vegetable and palm seeds.

To every parcel of agricultural seed which is sold there is required to be attached a statement or label indicating:

(*a*) The name and address of the seller; (*b*) the name of the seed; (*c*) the several kinds of seed contained in a mixture and in what proportions such seeds are mixed; (*d*) the percentage of pure germinable seeds; (*e*) the proportion or amount of impurities and weed seeds contained in the seeds; (*f*) the country of origin.

The statement or label amounts to a warranty, but the seller is not liable in damages for breach of such warranty to an amount exceeding the price of the seeds sold and the expense incurred by the purchaser in relation to the sale, delivery and testing of the seeds.

Extensive powers for the examination of seeds sold are contained in the Act, and officers appointed under the Act are given power to acquire seeds from the persons who deal in them for the purpose of having them examined.

The Act also imposes substantial penalties on persons who sell agricultural seeds which do not conform to the standard prescribed by the regulations under the Act as regards germinal power and freedom from impurities and weed seeds, and also on persons who otherwise fail to comply with or obstruct the execution of the provisions of the Act.

8. NEW ZEALAND.

[*Contributed by* JAMES CHRISTIE, ESQ., LL.M., *Parliamentary Law Draftsman.*]

Acts passed: Public and General—59 (including 2 reserved for His Majesty's assent); Local—26.

Customs.—The Tariff Agreement (New Zealand and Australia) Ratification Act (No. 7): By the Customs Amendment Act, 1921, the Governor-General in Council is empowered, subject to ratification by Parliament, to alter the Tariff in its application to goods being the produce or manufacture of any particular country, for the purpose of giving effect to any agreement or arrangement for the promotion of trade between that country and New Zealand. The Act now under review ratifies an Agreement made after negotiations conducted on behalf of the Commonwealth of Australia by the Honourable Arthur Stanislaus Rodgers, and on behalf of New Zealand by the Honourable William Downie Stewart. The result of the Agreement in so far as it relates to Australian goods entering New Zealand, is (with certain variations) to

extend to such goods the benefits of the British Preferential Tariff. Prior to the Agreement (which operates as from September 1, 1922) Australian goods were subject to the General Tariff.

By section 6 the Customs Amendment Act (No. 14) all the provisions of the principal Act (*i.e.* the Customs Act, 1913) which purported to give to Customs officials extra-territorial powers are deleted. As a matter of fact no occasion has ever arisen which called for the exercise of these powers, and their presence on the statute-book was a possible source of embarrassment. By s. 7 the provisions of the Customs Amendment Act, 1921 (relating to rates of "depreciated currency" duties), are amended by enabling the Governor-General in Council to fix those rates in cases where the depreciation in value of any foreign monetary unit exceeds 90 per cent. of the mintage value of that unit. S. 8 is a somewhat remarkable provision, enabling the Minister of Customs in certain cases where the importation of goods is likely prejudicially or injuriously to affect any New Zealand industry, to fix a nominal value by reference to which *ad valorem* duties are assessed. The only limitation on the discretionary power so conferred is that the nominal value must be so fixed that the cost of such goods to an importer shall not exceed by more than 20 per cent. the cost of similar goods if imported from the British Dominions.

Reciprocal Enforcement of Judgments.—The Administration of Justice Act (No. 11) makes provision for the enforcement in New Zealand of judgments and awards obtained in any superior Court in the United Kingdom, or other part of His Majesty's Dominions to which the Act may be extended by the Governor-General, and has been passed for the purpose of satisfying the conditions prescribed by s. 14 of the Administration of Justice Act, 1920 (Imperial,[1] for the extension of Part II of that Act to New Zealand. The Act does not introduce any new principle into the statute law of New Zealand, for by s. 56 of the Judicature Act, 1908, provision is already made for the enforcement in New Zealand of judgments obtained elsewhere within His Majesty's Dominions. The provisions of the Act are in addition to, and not in substitution for, the older law which is not dependent for its operation on the reciprocal action of other Legislatures. As similar legislation is adopted by other parts of the Empire, the older law will be gradually superseded; in the meantime, however, it has not been thought advisable to repeal it.

Taxation: Land and Income-tax.—The Land-Tax (Annual) Act (No. 3), and the Land and Income-tax Amendment Act (No. 12) respectively fix the rates of land-tax and income-tax for the current financial year. With respect to land-tax, the "super-tax" imposed as a result of the war has been reduced by 50 per cent. (that is, from 20 per cent. to 10 per cent. of the normal tax). With respect to income-tax no "super-tax" has been imposed for this year, whereas for last year the rate was 20 per cent. of the normal tax. This reduction of taxation is rendered possible by reduced expenditure and an increasing revenue from other sources.

By Act No. 12 the law relating to the assessment of taxation is amended by the adoption of two principles which have been advocated for some time and which operate as concessions to tax-payers. The first is provided for in s. 6, which entitles a tax-payer to claim a reduction of his taxable income by an amount equal to any loss suffered by him in the three pre-

[1] See *Review of Legislation*, Third Series, vol. iv, pt. ii, p. 12.

ceding years. (The operation of this section is postponed, so that it has no application with respect to any loss incurred prior to April 1, 1923.) The other concession is contained in s. 11, which so amends the provisions of the principal Act relating to the mode of calculating assessable income as to entitle a tax-payer who derives income from two or more sources to deduct any loss made in respect of one business (or other source of income) from his total income received from all sources.

Insurance Companies.—The Insurance Companies' Deposits Amendment Act (No. 15) alters the amounts which insurance companies (other than life insurance companies) are required to deposit with the Public Trustee (as security for the protection of their policy-holders) before commencing to carry on business in New Zealand.

Companies (Temporary).—The Companies Amendment Act (No. 18) is a temporary measure (expiring on December 31, 1923) in relief of companies that may be suffering temporary financial embarrassment. The Act empowers the Supreme Court to direct the holding of a meeting of the creditors (or of any specified class of creditors) of the company, with a view to arriving at a compromise in lieu of forcing a liquidation. Any arrangement or compromise agreed to by a majority in number and by three-fourths in value of the creditors present or represented at the meeting may be made binding on all creditors by order of the Court.

Orchards.—The Fireblight Act (No. 20) makes further provision for the protection of orchards from the disease known as fireblight (*Bacillus amylovorus*). The purpose of the Act is to prevent the dissemination of the disease through the agency of the hawthorn (which is a common host). The Act enables the Governor-General to constitute any area a commercial fruit-growing district, and to make regulations prescribing the trimming or cutting-down of all hawthorn within such district. In the event of the disease being found in any district, the Governor-General may order the complete destruction of all hawthorn growing therein.

Insurance.—The State Fire Insurance Amendment Act (No. 22) makes provision, *inter alia*, for the allowance of rebates in respect of premiums payable by policy holders. This provision is in lieu of an earlier provision,[1] for the distribution of the surplus profits of the office among policy-holders by way of bonus, the administration of the earlier provision having presented unexpected difficulties.

War Disabilities Removal Act (No. 23).—By the War Regulations Continuance Act, 1920,[2] and other enactments, certain disabilities are imposed, *inter alios*, on those classes of British subjects who are, by virtue of their birth or for some other reason, within the definitions of the terms "alien enemy" and "person of enemy origin" as used in those enactments.

The time has passed which rendered necessary these restrictions, and the ordinary safeguards against disaffection are now regarded as sufficient. In accordance with this view, the Act restores to such British subjects their full privileges as such, and provides that no British subject (whether by birth or naturalization or otherwise) shall hereafter be deemed to be an alien enemy or a person of enemy origin.

The principal relative enactments are the following:

(1) The War Legislation and Statute Law Amendment Act, 1918,

[1] *Review of Legislation*, New Series, vol. xiv, pt. i, p. 166.
[2] *Ibid.*, Third Series, vol. iv, pt. ii, p. 100.

Part I (Acquisition of Land by Persons of Enemy Origin, including former alien enemies).[1]

(2) The Divorce and Matrimonial Causes Amendment Act, 1919 (conferring special rights to divorce on the wives of persons of enemy origin).[2]

(3) Regulations continued in force by the War Regulations Continuance Act, 1920,[3] relating to:

(*a*) Applications for probate by alien enemies.
(*b*) Distribution of estates to beneficiaries or creditors who may be alien enemies.
(*c*) Acquisition of interests in companies by or on behalf of alien enemies.
(*d*) Vesting company shares owned by alien enemies in the Public Trustee as custodian of enemy property.
(*e*) Restricting right of naturalized British subjects to be employed in or about the lading or unlading of ships.
(*f*) Restricting power to employ any alien enemy as master, mate, or engineer on any home-trade ship.

So far as the enactments and regulations aforesaid affect persons other than British subjects their operation is not affected by the present Act.

Amusements-tax.—The Amusements-tax Act (No. 24) is a consolidation of the law relating to amusements-tax. The exemptions from the operation of the tax have been slightly extended, and the following classes of entertainment are now free, viz.:

(*a*) Agricultural, horticultural and poultry shows.

(*b*) Entertainments for charitable, philanthropic, patriotic or educational purposes; and entertainments for the purposes of any society not carried on for profit if the performers are not paid for their services.

(*c*) Swimming sports.

Bills of Lading.—The Mercantile Law Amendment Act (No. 25) makes provision with respect to a kind of shipping document, therein referred to as a "received for shipment" bill of lading (being a receipt given by a shipping company when goods are received into its stores for shipment but are not actually received on board). The Act declares that such a document shall (if given in accordance with the Act) for all purposes be "a valid bill of lading with the same effect and capable of negotiation in all respects, and with the same consequences as if it were a bill of lading acknowledging that the goods to which it relates had been actually shipped on board." The passing of the Act became a matter of some urgency, in connexion with the local wool and other produce sales, owing to the fact that the banks were not authorized to pay out save on receipt of a bill of lading. While the uncertainty as to whether documents of the kind referred to were bills of lading continued they were not being accepted. It is understood that the terms of the enactment having been transmitted by cable to the buyers, they expressly authorized the banks to pay out on these "received for shipment" bills of lading.

Electric-power Boards.—The Electric-power Boards Amendment

[1] *Review of Legislation*, Third Series, vol. ii, pt. ii, p. 92.
[2] *Ibid.*, vol. iii, pt. ii, p. 100.
[3] *Ibid.*, Third Series, vol. iv, pt. ii, p. 100.

Act (No. 26) amends the Act of 1918 [1] to admit of the limitation of the franchise by providing for the election of Electric-power Boards by "rate-payers" instead of "electors," in certain cases where that method of election is stipulated in the petition presented for the creation of the electric-power district.

Pharmaceutical Chemists.—The Pharmacy Amendment Act (No. 28) provides that persons shall not be entitled as of right to registration in New Zealand as pharmaceutical chemists by virtue only of the fact that they have been registered in Great Britain or Ireland unless they have passed the full qualifying examinations of the Pharmaceutical Society of Great Britain or the Pharmaceutical Society of Ireland, as the case may be. The Act also extends the period of apprenticeship for chemists from three to four years, and provides that apprenticeship to the dispenser of a public hospital shall be acceptable.

Magistrates' Courts.—The Magistrates' Courts Amendment Act (No. 32) amends in several minor particulars the procedure of the Magistrates' Courts. It also makes provision for the appointment of acting or temporary magistrates to hold office for a specified term.

Criminal Law.—The Crimes Amendment Act (No. 35) amends the law as to sexual offences against girls under the age of sixteen years. Under the former law it was sufficient defence if the accused showed that he had reasonable cause to believe that the girl in question was of or over the age of sixteen years. This defence is now limited to cases where the accused at the date of the offence was under the age of twenty-one years.

A further provision of the Act makes a person who incites or attempts to incite another person to commit a crime liable to the same penalty as if he had himself attempted to commit the crime.

Stamp Duties.—The Stamp Duties Act (No. 37) does not materially alter the incidence or amount of taxation imposed by way of stamp duties. The form of the law, however, has undergone a complete change, and an endeavour has been made to place it on a logically complete and scientific basis.

The Act is divided into twelve parts: Part I, Administration. Part II, Stamping of Instruments by the Stamp Duties Office. Part III, General Provisions as to Duties. Part IV, Conveyance Duty. Part V, Mortgage Duty. Part VI, Duty on Leases and Licences. Part VII, Duty on Negotiable Instruments. Part VIII, Duty on Sales of Shares in Mining Companies. Part IX, Miscellaneous Stamp Duties. Part X, Annual Licences of Companies. Part XI, Duties payable by Racing Clubs. Part XII, Transitory Provisions.

Workers' Compensation for Accidents.—The Workers' Compensation Act (No. 39) is a consolidation without material alteration of the law with respect to compensation to workers for injuries suffered in the course of their employment.

State Advances Department.—The State Advances Amendment Act (No. 40) extends the operations of the State Advances Office (which was established thirty years ago for the purpose of lending cheap money to settlers on the security of first mortgages of land) by making provision for the grant of loans not exceeding £500 to any one borrower, on chattel security. Such loans are repayable by instalments as follows:

Ten per cent. in the first year, 15 per cent. in the second year, 20 per cent. in the third year, 25 per cent. in the fourth year, and the balance

[1] *Review of Legislation*, Third Series, vol. ii, pt. ii, p. 91.

of 30 per cent. in the fifth year. Interest at the rate of 7 per cent. per annum, reducible to 6½ per cent. for prompt payment, is chargeable on the account of principal moneys for the time being outstanding.

Other provisions of the Act transfer to the State Advances Office the business of making advances and collecting payments in respect of cool storage, fruit preserving, fishing industry, housing and repatriation of soldiers (business which has heretofore been conducted by certain other Departments of State).

Labour Laws.—The Industrial Conciliation and Arbitration Amendment Act (No. 43) makes further amendments of the Industrial Conciliation and Arbitration Act. In particular it imposes on all industrial unions or associations, and other labour organizations, an obligation to keep proper records of receipts and expenditure, which the Registrar may require to be audited by a Public Auditor appointed as such under the Friendly Societies Act. It also imposes certain limits with respect to the amount of entrance fees, levies and subscriptions that a union may impose on its members.

Settled Land.—The Settled Land Amendment Act (No. 44) adopts the principle of 45 & 46 Vict. c. 38, s. 10 (providing for the extension of the maximum term for which settled land may be leased in certain cases for mining and other purposes).

Rating.—The Rating Amendment Act (No. 45) empowers local authorities to allow a rebate of rates, not exceeding 5 per cent. thereof, in consideration of prompt payment.

Main Highways.—The Main Highways Act (No. 47) provides for:

(1) The appointment of a Main Highways Board, with powers of construction, maintenance and repair of main highways.

(2) The appointment of local committees, to be known as District Highway Councils, with advisory and consultative functions.

(3) The declaration by the Governor-General of any road or street as a main highway.

(4) The apportionment of the cost of construction, maintenance and repair between the Government (through its representative, the Main Highways Board), and the several local authorities receiving benefit from the highway.

(5) The "ear-marking" of revenues derived from Customs duties on motor-tires, for purposes of main highways.

The work of construction or repair of any highway may, in the discretion of the Board, be undertaken either by the Board or by the local authority of the district in which the highway is situated. With respect to the cost of maintenance the Board contributes one-third, the balance being found by the local authorities in proportions recommended by their representatives on the advisory committees. In the case of the cost of construction or reconstruction, the Board contributes half the cost.

Safety of Workmen.—The Scaffolding and Excavation Act (No. 49) makes better provision for the prevention of accidents in connexion with the erection and use of scaffolding and the making of excavations. The Act provides for the appointment of inspectors to whom notice is to be given of intention to commence any work of building or excavation to which the Act applies. Certain classes of work cannot be carried out except under the supervision of a person certified as competent by an inspector.

Miscellaneous Financial Provisions.—The Finance Act (No. 51) is

divided into Parts as follows: Part I, Miscellaneous Provisions as to the Public Debt. Part II, Public Revenues and Loans. Part III, Local Authorities. Part IV, Miscellaneous.

By Part I provision is made, *inter alia*, for the registration of minors as holders of inscribed stock; also for prohibiting the issue of any further Government debentures "free of income-tax." Part II extends to public stores the provisions of the Public Revenues Act for the protection of the public revenues. It also makes provision for the exemption from gift duty of amounts remitted to a purchaser in reduction of the purchase money of any land pursuant to an agreement of sale and purchase. This latter provision is an extension of the provision made by s. 10 of the Finance Act, 1921–2, and has reference to the deflation of land values due to the fall in price of primary products. Part III (Local Authorities) contains nothing of general interest. Part IV (Miscellaneous) provides, *inter alia*, for:

(*a*) The extension to July 31, 1923, of the law as to the restriction of rent. Before the date fixed Parliament will be again in session, and the question as to the further extension of the law will doubtless then be considered. The Act has, without doubt, afforded a valuable protection to tenants; it has also had the effect, however, of restricting the investment of capital in the erection of houses to let.

(*b*) The taking into account of any period of education service or Government service as the case may be, in computing for the purposes of retiring allowance the length of service of contributors to the Public Service Superannuation Fund, or the Teachers Superannuation Fund.

(*c*) The reduction of premiums (in lieu of payment of bonus) to policy-holders in the Government Accident Insurance Office.

Registration of Bills of Sale.—The Chattels Transfer Amendment Act (No. 52) provides that a bill of sale, which is unregistered on the expiration of the time or extended time allowed for registration, shall not, without express notice, be valid and effectual as against any *bona fide* purchaser or mortgagee for valuable consideration, or as against any auctioneer or dealer or agent selling or dealing with any chattels in the ordinary course of his business.

Agricultural Banks.—The object of the Rural Credit Associations Act (No. 55) is to afford statutory recognition to certain classes of societies established for the mutual benefit of their members, their primary object being the making of advances to their members on chattel security. Such societies are empowered to carry out all the operations of what are commonly known as people's banks, or agricultural banks; they have not, however, authority to carry on what is ordinarily meant by banking operations. The Act relates only to societies that are registered under the Incorporated Societies Act, 1908.[1] That Act provides all the necessary machinery for the incorporation of societies, the registration of their rules, the method in which they can enter into legal relationships with other persons or bodies, the alteration of the rules, the registration of members, the winding-up of societies (either voluntarily or by the Supreme Court) the distribution of assets in the event of winding up and matters incidental to the foregoing.

By virtue of the application of the Incorporated Societies Act, 1908,

[1] *Review of Legislation*, New Series, vol. x, pt. ii, p. 356.

and the amending Act of 1920,[1] the registration and incorporation of a main or central society or association is permitted, and also the registration and incorporation of district or branch societies.

It is at least doubtful if the Act confers on any association of persons any powers which the Association could not acquire by incorporation under the Companies Act. It is recognized, however, that the law appropriate to companies is somewhat too complex for the class of association which the Rural Credit Associations Act has in contemplation.

The essential purpose of a Rural Credit Association is the advancing of money to members of the association out of capital moneys acquired, either by way of deposits or otherwise by way of loan. Advances to the members of the society may be either by way of cash or by the issue of bonds payable to bearer or to order which members may negotiate for cash.

Members of the Association are made jointly and severally liable for the liabilities of the Association. It is recognized that comparatively few of the members will be the owners of unencumbered land; it is therefore provided that the liabilities constitute an equitable charge on the assets of the members, subject, however, to encumbrances existing at the time of the incorporation of the society.

Friendly Societies.—The Friendly Societies Amendment Act (No. 56) provides, *inter alia*, for:

(1) The appointment of a Deputy Actuary of Friendly Societies.

(2) The issue of debentures by a society whose object is to provide medical or surgical requisites for members of friendly societies, and the investment of friendly society funds in such debentures.

(3) The investment of friendly society funds in Harbour Board debentures.

Acts reserved for His Majesty's Assent.

Sea Carriage of Goods Act (No. 58) repeals the provisions of the Shipping and Seamen Act as to the liability of ship-owners in respect of the carriage of goods by sea, and re-enacts them with modifications. The effect of the amendment is to impose a greater obligation of care on the part of the ship-owner with respect to goods delivered to him for carriage by sea; in particular he cannot obtain exemption from liability in respect of damaged goods by a clause in the bill of lading unless at the time of the acceptance of the goods for shipment the attention of the shipper is drawn to their damaged condition, and the fact noted on the receipt then given.

The Shipping and Seamen Amendment Act (No. 59) increases certain fees payable under the principal Act, and makes certain other alterations of minor importance.

9. PAPUA.

[*Contributed by the* Hon. Mr. Justice Herbert.]

1921.

In the year 1921 fifteen Ordinances were passed. The ordinances other than those mentioned below were either of a formal nature, or enacted amendments of a minor character.

[1] *Review of Legislation*, Third Series, vol. iv, pt. ii, p. 106.

Native Labour.—No. 2 in addition to amending the Native Labour Ordinance 1911–18, in minor matters, prohibits the engagement of native children under fourteen years of age, unless the parents consent, and there is no school within one mile of the child's home; it prohibits engagement of any native for a second period of three years unless he has been returned to his village and an interval of one year intervenes between the two terms of service; the consent of the Commissioner is required to the engagement of any native for a longer aggregate period than four years computed from the time the native was last in his village. Provision is made for the relief of guarantors of employers in certain cases; for the retention by magistrates and other officers of the wages of a native if such a course is thought necessary for the protection of the native; for the method of recovery of wages. Moneys due from an employer to his guarantor (for due payment of wages, etc.) are made a preferential charge upon the property of the employer.

Timber.—No. 3 amending the Timber Ordinance 1909–17, confers power upon magistrates to approve on terms, and in advance, of natives' consent to the cutting of timber on native-owned land; and authorizes exemptions from obligation to erect saw-mills within the area included in a timber licence.

Sago.—No. 4 amends the Sago Ordinance 1908–17 principally by prohibiting the cutting of sago, either under a licence or under agreement with native landowners, except for the primary purpose of making sago for food.

Health.—No. 11 repeals in its entirety the Health (Venereal Diseases) Ordinance 1918.

Port Dues.—No. 13 repeals certain Ordinances and authorizes the inspection of port dues and wharfage rates upon certain vessels arriving at proclaimed ports.

Creditors' Remedies.—No. 14 regulates the procedure of the Central Court in connexion with the attachment of debts.

1922.

Seventeen Ordinances were passed in 1922, of which the following are the more important.

Forfeiture of Leases and Licences.—No. 3 authorizes the forfeiture of leases, licences and permits granted by the Crown, on the ground of failure to comply with any condition, etc., thereof, after failure by the lessee or licensee to show cause within three months against such forfeiture.

Customs (Export) Tariff.—No. 4 reduces the export duty on copra to fifteen shillings per ton until June 30, 1923, after which date the original duty of twenty-five shillings per ton again becomes operative.

Quarantine.—No. 10 contains many amendments of the Quarantine Ordinance 1913, which for the most part are directed towards making that Ordinance more nearly in accord with the Commonwealth legislation.

Customs Tariff.—No. 11 repeals former Customs Tariff Ordinances and imposes new duties of customs upon goods imported into the territory.

Native (Half-caste) Children.—No. 12 declares the duty of a father to maintain his half-caste child. It empowers a magistrate, upon

the hearing of a complaint of the Commissioner for Native Affairs, or officer authorized by him, to make an order adjudging the defendant to be the father of the half-caste child mentioned therein and ordering him to pay the Commissioner a sum not exceeding £26 per annum. The contributions as paid are to be expended as prescribed. Paternity may be proved by the evidence of the mother alone unless it is denied on oath by the defendant, who is also made a compellable witness. Nothing in the Ordinance is to be deemed to confer any right of custody of an illegitimate child upon the father. The Lieutenant-Governor may mandate a half-caste child who is certified to be a deserted half-caste child within the meaning of the Ordinance. The property of the person complained against as being the father of a neglected child may be attached pending the hearing, by a notice under the hand of the Commissioner.

Bank Holidays.—No. 13 fixes Bank Holidays by schedule ; the days so fixed may be altered and other days substituted. The scheduled or substituted days are declared to be "non-business" days under the Queensland Adopted Act relating to Bills of Exchange (48 Vict., No. 10).

Aliens.—No. 15 repeals all the provisions of the Aliens Ordinance 1911–19 relating to the naturalization of aliens. That subject is now governed by the Nationality Acts of the Commonwealth, which are now extended to Papua.

Land.—No. 16 provides for a fine (which may be remitted) for non-payment of rent within three months of the date it becomes due. The fine is an amount of 5 per cent. added to the rent received.

10. FIJI.

[*Contributed by* Sir Alfred K. Young, Chief Justice, Fiji.]

1920.

Ordinances—40.

Public Safety.—No. 1 confers power on the Governor in Council to make regulations when any case of civil commotion arises or is likely to arise within the Colony. The Regulations, *inter alia*, may control (1) the movements of any class of persons from one area to another ; (2) the sale or possession of intoxicating liquor ; (3) the possession of fire-arms and ammunition ; (4) meetings of persons ; and (5) deal with acts of intimidation or threats of violence.

Clubs Registration.—No. 6 provides for the registration of clubs and the supply of liquor therein to members.

Public Works Loan.—No. 8 authorizes the raising of a loan of £300,000 for public purposes. Interest of 5½ per cent. is payable thereon. Debentures are redeemable at any time after the expiration of five years, and before the expiration of six years from the date of issue.

Electoral Regulations.—No 9 gives effect to new regulations for the conduct of elections of members to the Legislative Council of Fiji.

Licensing.—No. 10 amends the licensing law by requiring persons licensed under its provisions to keep proper books of accounts. Such

books are to be kept in the English and Fijian languages or such other language as may be authorized.

Transport of Cattle.—No. 12 regulates the shipping and transport of cattle. Regulations contained in the schedule to the Ordinance aim at bettering the conditions under which cattle are to be conveyed by water within the Colony, and further prescribe the conditions to be complied with before cattle may be exported from the Colony.

Agricultural Statistics.—No. 15 imposes upon certain persons the obligation, when required, to furnish particulars for the purpose of the publication of statistics relating to agricultural and kindred industries.

Compensation for Accidents.—No. 17 provides for the payment of compensation to the wife, husband, parent and child, as the case may be, of persons killed by accident.

No. 18 limits the amount recoverable under the last-mentioned Ordinance to a sum not exceeding £1,000 in the case of the Rariwai Kavanagasau Light Railway.

Exports and Imports Control.—No. 25 confers certain powers in respect of the exportation and the importation of goods, including prohibition of exportation or importation either wholly or subject to conditions or restrictions.

Census.—No. 27 provides for the taking of a census on April 24, 1921.

Statute Revision.—No. 29 authorizes the publication of a newly revised edition of the Statute Laws of the Colony.

Stamp Duties.—No. 39 consolidates and amends the law relating to Stamp Duties. The duties payable are contained in the First Schedule to the Ordinance.

Death and Gift Duties.—No. 40 revises the law relating to death and gift duties. Estate duty is to be charged on a graduated scale—exceeding £100 up to £500, 1 per cent.; up to 10 per cent. for estates exceeding £150,000. Further, the Ordinance imposes, in addition to estate duty, succession duty; the scale of rate varies from 1 per cent. to 10 per cent., according to degree of relationship. A husband or wife is exempted from payment; also sums not exceeding £20. The rate of gift duty is fixed at 5 per cent. on gifts exceeding the value of £2,000. The Ordinance provides fully for the machinery necessary for its purpose, and also contains a table for use in calculating the value of a life interest in any property annuity.

The remaining Ordinances are for the most part amending laws of no general interest.

1921.

Ordinances—30.

Income-tax.—No. 1 replaces the Income-tax Ordinance of 1920. Under its provisions, as amended by Ordinance No. 34 of 1921, the tax is fixed at one shilling per pound on all incomes exceeding £250. A surtax of two shillings per pound is levied on all incomes exceeding £5,000, increasing according to scale until the tax reaches six shillings per pound upon all incomes exceeding £25,000. An absentee pays one shilling per pound upon all income up to £1,000, which increases according to scale until the tax of seven shillings per pound is reached payable on all incomes exceeding £25,000. Included in exemptions are the following: (1) salary

of Governor and High Commissioner of the Western Pacific; (2) war pensions; (3) civil pensions. The usual powers are taken for assessment of income. An appeal is allowed to a Court of review in the first instance and from thence to the Supreme Court of the Colony.

Business Profits Tax.—No. 2, as amended by Ordinance No. 23 of 1921, provides for the imposition of a tax on business profits other than those of a shipping and insurance company having its place of incorporation outside of Fiji. The rate is fixed at 20 per cent. of the amount by which the profits earned exceed the rate of 15 per cent. per annum upon the capital employed in the business.

Certain exemptions are made, *inter alia*: (1) any business where not more than £5,000 capital is employed; (2) any profession when the profits are dependent mainly on personal qualifications, and in which there is little or no capital expenditure. The Ordinance as amended further provides for the method of computing profits and capital.

Maintenance Orders.—No 4 relates to the enforcement of maintenance orders made in England, Ireland or any other part of His Majesty's Dominions to which the Ordinance may be extended. Its provisions are uniform with similar legislation on the subject.

Stamping of Promissory Notes.—No. 14 requires promissory notes to be made on stamped paper—illiterate persons or those who cannot sign their names in English are required to affix their thumb-mark thereon. A promissory note not made in accordance with the requirements of the Ordinance is inadmissible in evidence and incurs a penalty on the person who draws up the same. The object of the Ordinance is to prevent as far as possible actions being brought on fictitious notes or the repudiation of genuine ones.

Returned Sailors' and Soldiers' Advances.—No. 25 authorizes the raising of a loan not exceeding £36,000 at 6 per cent. with the object of making advances to returned sailors and soldiers for agricultural and business purposes. A board of control is established for the purposes of the working of the Ordinance.

Customs Duties.—No. 32 brings into force a revised Customs Tariff, the *ad valorem* duty being based on the value of the goods with 10 per cent. added.

Distribution of Native Rents.—No. 36 provides for the distribution of rents for lands known as "Native Lands." The Government take 10 per cent. for managing the leasing of these lands on behalf of the Fijian native owners and a percentage, according to scale, goes to the various office-bearers and chiefs of the Mataqali who are entitled to the same by native custom, the balance to the Mataqali, *i.e.* the body of persons jointly owning the land in respect of which the rent is paid.

The remaining Ordinances for the most part are amending Ordinances of no general interest.

1922.

Ordinances—34.

Maintenance Orders.—No. 8 provides for the enforcement in Fiji of maintenance orders made in England or Ireland, and repeals No. 4 of 1921.

Indemnity.—No. 9 indemnifies any Government official, whether

naval, military or civil, for any act done, *bona fide*, during the war, in the execution of his duty.

Fruit Export.—No. 15 amends the Fruit Export Ordinance No. 21 of 1906 in that it confers power to prescribe by regulation for the packing and inspection of fruit (bananas chiefly) shipped from the Colony.

Judgments.—No. 22 applies to the Colony the provisions of Part II of the Administration of Justice Act, 1920, relating to the Reciprocal Enforcement of Judgments.

Licensing.—No. 25 amends the Licensing Law of 1911 in that it transfers to the municipality the licensing of such professions and trades as are carried on within municipal boundaries.

Medical Practitioners.—No. 26 amends the Medical Practitioners' Registration Law of 1881 with the object of allowing persons possessing certain Indian medical diplomas or certificates of qualification to practise in accordance therewith.

Lepers.—No. 27 amends the Leper Ordinance of 1911 so as to confer power on the Governor to permit a person being a leper, who is not a native of Fiji, to land in the Colony for the purpose of being received into a leper asylum.

Colonial Treasury Bills.—No. 29 empowers the Governor, when authorized by a resolution of the Legislative Council, to borrow moneys, chargeable on general revenue, by the issue of Treasury Bills, repayable at par not later than one year from the date of issue.

Pensions.—No. 30 provides revised schedules to the Widows and Orphans Pension Ordinance, 1914.

Port and Customs Service Tax.—No. 34 imposes a new tax known as "the Port and Customs Service Tax" at the rate of 1¼ per cent. on the value of goods imported with 10 per cent. added; power to proclaim the exemption of certain goods is reserved.

11. BRITISH SOLOMON ISLANDS PROTECTORATE AND OTHER WESTERN PACIFIC ISLANDS.

[*Contributed by* Sir Alfred K. Young, Chief Judicial Commissioner for the Western Pacific.]

1920.

Thirteen laws styled King's Regulations were made during the year 1920 in the Western Pacific under the provisions of the Pacific Order in Council, 1893.

Exports and Imports.—No. 3 confers power to prohibit the exportation from, or the importation into, the British Solomon Islands Protectorate of any goods, including more particularly arms, ammunition, books, coin, drugs, tobacco, wine and spirits.

Trocas Shell Fishing.—No. 6 prohibits the removal, sale, or export of trocas shell (locally known as Lala Shell) which is less than 2½ inches in diameter measured across the base. Power is taken to appoint a close season.

War Pensions.—No. 9 provides for the granting of war pensions to persons who served in the war against Germany and her Allies, and who were *bona fide* residents in the British Solomon Islands Protec-

torate at the commencement of the war. In the event of the death of any such person provision is made for rates payable to his dependents.

Native Tax.—No. 10 imposes a tax on male natives between sixteen and sixty years of age, of a sum not exceeding £1 per annum. The tax may be paid in copra or other produce at the discretion of the Resident Commissioner.

Of the remaining Regulations two are to give effect to Treaty of Peace Orders.

1921.

Regulations—16.

Lever's Pacific Plantations, Ltd.—No. 3 provides for the granting to Lever's Pacific Plantations, Limited, a Company having its registered office at Royal Liver Building in the City of Liverpool, England, of a certificate of occupation in respect of lands in the British Solomon Islands Protectorate containing in the aggregate an area of approximately 280,000 acres. The term of the grant is for 999 years dating from 1904, and the conditions thereof are contained in a document described as a "Certificate of Occupation," which forms the Schedule to the Regulation as well as plans annexed thereto. An annual rental is payable, beginning at £1,232 per annum, with increases until the maximum rent of £4,200 is reached in respect of the year 2102 and each of the remaining years.

Advisory Council.—No. 12 provides for the creation of an Advisory Council in the British Solomon Islands Protectorate. Reports of recommendations arrived at in connexion with the internal administration of the Protectorate are to be transmitted to the High Commissioner for his consideration.

Native Labour.—No. 15 amends and consolidates the law relating to the recruiting, engagement and employment of native labour in the British Solomon Islands Protectorate.

Amongst the provisions of the Regulation the following may be noted: (1) recruiting for service beyond the Protectorate without a permit is made an offence; (2) recruiting is only allowed subject to certain prescribed conditions; (3) hours of work are determined, as well as conditions relating to housing, rationing and medical care; (4) a minimum rate of wage is fixed at 10s. per month, or £6 per annum; (5) labourers and their families are to be provided with return passages home. All penalties imposed for failure or neglect to perform work are recoverable as civil debts only.

Maintenance Orders.—No. 16 provides for the enforcement in the Protectorate of maintenance orders made in England or Ireland. The provisions of the Regulation are similar to like legislation elsewhere.

Eight of the remaining Regulations relate to the application of the various Treaty of Peace Orders, including their application to the Kingdom of Tonga.

1922.

Regulations—21.

Judgments.—The terms of the Reciprocal Enforcement of Judgments Regulation (No. 7) closely follow similar legislation elsewhere.

Bills of Sale.—No. 11 amends the principal Regulation of 1897, *inter*

alia, as regards the execution and registration of bills of sale—the Regulation prescribes the fees payable for acts done under its provisions.

Timber.—No. 12 provides for the acquisition and granting of timber rights by the Protectorate Government.

Official Secrets.—No. 13 applies the principal provisions of the Official Secrets Acts, 1911 and 1920, to the British Solomon Islands Protectorate.

Fisheries.—No. 14 prohibits the use of explosives for destroying fish.

Prisons.—No. 16 provides for the supervision and discipline of prisons in the Solomon Islands. It provides, *inter alia*, for the earning of marks towards remission of sentence, and for the review of life sentences at the expiration of 7, 10, 15 and 20 years. In cases of corporal punishment, medical examination is required as to the fitness of the offender to undergo the same. Corporal punishment is limited to fifteen strokes as a maximum, and can only be administered with an instrument of approved pattern, and in the presence of a medical officer. Youthful offenders may only be birched, the maximum number of strokes being limited to twelve.

Native Administration.—No. 17 provides for the appointment of headmen and prescribes their duties. Power is also taken to call upon headmen to supply men for defence purposes, and for the suppression of internal disorder.

Undesirable Immigrants.—No. 20 prohibits a person from landing in the Solomon Islands Protectorate unless he has not less than £50 in his possession or is assured of employment and means of subsistency. Masters and owners of vessels are made liable to a penalty for permitting an undesirable to land.

Immigrant Bonds.—No. 21 provides for the giving of bonds by any person or company wishing to introduce into the Solomon Islands Protectorate any person under contract of service within the Protectorate as a labourer or servant. The object of the bond is to cover all costs of repatriation which the Protectorate Government may incur.

Other Regulations are to give effect in Tonga and the Solomon Islands to the several Treaty of Peace Orders. There are eight in all.

12. GILBERT AND ELLICE ISLANDS COLONY.

[*Contributed by* Sir Alfred K. Young, Chief Judicial Commissioner for the Western Pacific.]

1920.

Ordinances—6.

Loan.—No. 1 authorizes the raising of a loan of £13,000 at 5½ per cent.

Exports and Imports.—No. 2 confers power to control the exportation and importation of goods. Its period of operation is limited to three years by No. 6 of 1920.

Treaty of Peace.—No. 3 gives effect to the Treaty of Peace Order, 1919, and establishes a clearing office for the purpose.

Licences.—No. 4 revises the scale of licence fees payable in respect of keeping stores and dealing in wines, spirits and firearms, and also prescribes, *inter alia*, motor and motor-cycle licence fees, for the former £25 per annum, for the latter £5 per annum.

Capitation Tax.—No. 5 imposes a capitation tax of £10 per annum on males between sixteen and sixty, and likewise on females, if employed in the Colony. Natives are not subjected to the tax, and certain other classes of persons are also exempted, *inter alia*: (1) Government officials; (2) ministers of religion; (3) medical practitioners.

1921.

Ordinances—13.

Native Status.—No. 4 confers power to exempt any native of good standing in the community from certain disabilities to which natives are subjected, *inter alia*, the carrying of arms, and laws affecting natives in particular in their native towns.

Census.—No. 5 provides for the taking of a Census during the year.

Punishment of Offences.—No. 11 provides for the punishment of natives resident on Fanning Islands committing any of the following offences: adultery with a daughter-in-law; carelessly causing a fire whereby property is destroyed; sorcery and gambling. It may be noted that whilst adultery is punishable with hard labour for not less than three months and not exceeding twelve months, twelve months is the minimum and two years the maximum punishment for adultery with a daughter-in-law.

Maintenance Orders.—No. 12 provides for the enforcement of maintenance orders made in the United Kingdom. Its terms follow similar legislation elsewhere.

Divorce.—No. 13 permits divorce among natives on the ground of: (1) adultery; (2) desertion for three years; (3) habitual cruelty; (4) impotency.

Four of the remaining Ordinances are to give effect to the various Treaty of Peace Orders.

1922.

Ordinances—9.

Enforcement of Judgments.—No. 5 brings into force the provisions of the Administration of Justice Act, 1920, in so far as it relates to the reciprocal enforcement of judgments.

Native Lands.—No. 8 provides for the appointment of a Native Lands Commission for the purpose of ascertaining what lands in the group are in accordance with native custom and usage the property of native owners. The Commission is clothed with all the powers necessary for its purpose.

Four of the remaining Ordinances are to give effect to the various Treaty of Peace Orders.

IV. SOUTH AFRICA.

1. UNION OF SOUTH AFRICA.

[*Contributed by* E. L. MATTHEWS, ESQ., K.C., C.M.G.]

Acts passed—42.

IF regard is had to the fact that during the first two months of the session of 1922 Parliament was occupied almost entirely with a discussion of the rights and wrongs of the parties to the dispute in the mining industry, the eventual passing of 42 Acts may be regarded with some satisfaction. The meeting of Parliament had been originally fixed for January 20, with a view to considering a long and important programme of Government Bills. Owing, however, to the situation which had arisen on the Witwatersrand Gold Fields in connexion with the dispute and to the desirability of Ministers remaining in close touch with that situation, the meeting of Parliament at Cape Town was postponed for four weeks. When the date of meeting (February 16) arrived, the situation could not be said to have become much easier and within three weeks it had altered much for the worse. Its final development is a matter of history, and reference is only made to it in this review in so far as it either retarded or necessitated legislation. By March 30 the only Bills which had even been considered were two part appropriations and two additional appropriations. Nevertheless, when prorogation came on July 19 some considerable progress had been made with the Government programme.

Indemnity Act.—Before any attempt is made to review the work accomplished, it is necessary to refer as briefly as possible to the Indemnity and Trial of Offenders Act (No. 6). On March 10 the Government had placed under martial law all the magisterial districts of the Witwatersrand and certain adjoining districts in order that the serious disorders which were taking place therein might be dealt with effectively. As the strike amongst the miners had been at that time more than two months old, preparation had been made by the authorities for the administration of martial law, should its proclamation become necessary. The regulations gazetted on March 10 were almost identical with those which had been put in force at the time of a general strike movement in January 1914.

For two days after March 10 the police and military forces of the authorities were entirely on the defensive. From the acts of violence committed, the weapons used and the strategy employed, it is clear that the strike movement had taken the form of a concerted revolt against the Government. The following two days witnessed the capture by the Government forces of the strongholds of the revolutionaries after bombardment by artillery and bombing from aeroplanes.

It is obvious that an Indemnity Act was necessary to hold the Government and its officers harmless for acts done during and immediately preceding the proclamation of martial law and to validate the sentences passed by magistrates appointed to try breaches of martial law regulations, for such magistrates were not holding Magistrates' Courts under the ordinary law. Act No. 6 of 1922 provides for these matters in the form which has now unfortunately become familiar to the Union Parliament during the last ten years.

It was further necessary to extend the jurisdiction of a Court which can be constituted under the existing Criminal Procedure Act, 1917, for trying offences of a political nature. Under that Act there may be constituted a Court consisting of not less than two judges of the Supreme Court to try without a jury cases of treason, sedition and public violence whenever the Attorney-General applies for such a Court on the ground that there is reason to believe that the ends of justice would be defeated if the trial took place before a jury. During the disturbances in March and arising out of those disturbances there were cases of murder, attempted murder, serious assaults, arson and malicious injury to property. These offences were added to the list scheduled in the Act of 1917, if they occurred during these particular disturbances. Courts were constituted in the following July under the Act of 1917 as thus extended, and did not complete their work till the end of February 1923.

Finances of the Provinces.—After this date Parliament was able to turn to a measure of an entirely different nature, of urgent importance. This was the Financial Relations Fourth Extension Act (No. 5). In previous reviews reference has been made to the Financial Relations Acts, 1913 to 1921, which deal with (*a*) the subsidies which are to be paid by the Central Government to the provincial administrations; (*b*) the sources of revenue allocated directly to those administrations; and (*c*) the specific legislative powers which provincial councils are to possess in addition to those conferred upon them by s. 85 of the Act of Union. The first Act of 1913 was enacted for a period of four years only. It was extended with minor modifications in 1917 for another three years; again extended in 1920 for another year without modification; then in 1921 extended, with some abridgment of the legislative powers of the councils, for still one more year. The operation of these Acts terminated on March 31, 1922, the last day of the financial year. No limit is imposed on the period of operation of the new Act though it is probable that in the near future considerable changes will be necessary in the whole provincial system both as regards finance and legislative authority. But in 1922 financial stringency and an anticipated considerable fall in Union revenue rendered necessary the curtailment of the direct subsidies from the Union Exchequer to the provincial administrations. Further, the attempt in 1921 on the part of one of the provincial councils to meet part of its deficit by a poll-tax which fell on natives as well as Europeans led to an enactment that a provincial council should have no power to pass an Ordinance imposing direct taxation on the persons, lands, habitations or incomes of natives. This is in accordance with the spirit of the Act of Union, of which s. 147 vests the control and administration of native affairs throughout the Union in the central Government. Further, it is obviously undesirable that the native population should be subject to more than one taxing authority or that native taxation in the various provinces should show marked differences. Among other modifications in the Financial Relations Fourth Extension Act are provisions (1) defining "higher education" for purposes of s. 85 of the South Africa Act, which expressly excludes it from the purview of provincial administrations; and (2) imposing a definite financial liability on the provincial administration in respect of the elementary education of natives but providing also for assistance by the central Government in the form of grants in aid, made on such conditions as will ensure the grants being expended on the improvement of educational facilities for

natives. The Act also confers further legislative powers on provincial councils for the purpose of enabling it to tap additional sources of revenue. These sources are race meetings, entertainments and liquor licences.

When Parliament had disposed of the Financial Relations Fourth Extension Act it was possible to apply its energies to part of the Government programme. This included a continuation of the consolidating legislation which had been suspended by parliamentary and ministerial exigencies since 1918. It also included measures to promote the development of industries, the encouragement of agriculture and certain other measures rendered necessary by changing economic conditions.

Consolidating Measures.

Co-operative Societies.—Many co-operative agricultural societies have been formed in the Provinces of the Transvaal and Orange Free State under laws enacted in those areas within two years prior to the establishment of Union. Under those laws every person carrying on farming operations was qualified to be a member of such a society. A society could be formed, and registered with an official of the Agricultural Department, with the objects of disposing of the agricultural produce and live stock of any of its members; initiating schemes of irrigation; acquiring and working on behalf of its members agricultural implements; acquiring, using and controlling on behalf of its members breeding stock; acquiring and supplying to its members machinery, stock, feeding stuffs, seeds, fruit-trees, manure and any farming requisites. The financial basis of every such society was the joint and several liability of all its members for payment of the obligations of the society. The society was not required to have a fixed capital, but its operations were carried on as regards capital by loans raised by it and as regards revenue by entrance fees and undisturbed profits. Its funds could not be divided amongst its members by way of profit, bonus or dividend, or in any manner other than by credit balances due to members. Its loans were obtained from the Land Bank upon the joint and several liability of its members or in the form of a cash credit account. The Land Bank was also empowered to guarantee the contracts of such a society on obtaining indemnities from the society.

Simultaneously there were being formed in the other two provinces (the Cape Colony and Natal), under the Companies Acts, associations with limited liability, which called themselves co-operative agricultural societies.

Later on in 1916, by the inclusion of a clause in one of the Land Bank Acts, it became possible to form a co-operative agricultural society in the Cape and Natal on the basis of the joint and several liability of its members for the debts of the Society. Such a society could also obtain loans and financial facilities from the Land Bank.

A certain number of co-operative trading societies also grew up, but these were formed in every case under the Companies Acts with limited liability. It was thought desirable to bring all such societies, whether already in existence or formed hereafter under one law, and No. 28 now under review effects this. Provision is made for co-operative agricultural societies with unlimited liability, co-operative agricultural companies with limited liability and co-operative trading companies with limited liability. With regard to the first two classes the minimum number

of members is seven ; with regard to the last the minimum number of members is twenty-five. Members of the first and third classes must be individuals ; a company or other corporate body as well as an individual may be a member of the second. Registration of every such society is with an officer of the Agricultural Department, the Minister of Agriculture being given a very wide discretion to permit or refuse registration after examination and consideration of the articles of association. The qualification for membership of an agricultural society or company is still the carrying on of farming operations in the Union and the objects for which such a society may be formed are much as described above in relation to the pre-Union laws of the Transvaal and Orange Free State. A trading society's objects may be the carrying on of any trade, business or manufacture, whether wholesale or retail, under a co-operative system whereby the surplus or gain is distributed among its members in manner provided by its regulations ; the carrying on of building or savings bank societies or banking or insurance under a co-operative system and objects incidental to these. A trading society is prohibited, however, from carrying on any of its operations on behalf of or for the benefit of anyone who is not a member, and it may not dispose of the agricultural products or live stock of any of its members in the manner provided by the Act in the case of such products or stock belonging to members of a co-operative agricultural society or company. The existing agricultural societies formed under the Transvaal and Free State laws are brought automatically under the new Act. In the case of other existing societies or companies (whether agricultural or trading) they must, within six months after the taking effect of the Act, apply for registration under it, submitting with the application copies of their constitution, their latest balance-sheet and profit and loss account and names and addresses of the directors and members. If the Minister considers that they are co-operative societies or companies as defined in the Act, the Registrar must register them ; but the Minister may refuse such an application for registration, until such requirements as he may make in regard to the alteration of their regulations have been complied with. He may, however, approve such registration notwithstanding that the regulations of the society are in conflict with the Act, and if such a society is registered under the Act, it can carry on its operations as it formerly did without alteration of its constitution. In future no society or company will be permitted to use "co-operative" as part of its name unless it is registered under the Act. When an association formerly registered under the companies laws becomes registered under the Act its name will be removed from the register kept under the companies laws.

The basis of the co-operative agricultural society with unlimited liability is still to be the joint and several liability of all its members for payment of its debts and obligations. The basis of the co-operative agricultural company with limited liability and of the co-operative trading company is of course, as the name implies, liability to the extent of the nominal value of the shares held by the members and to any contingent liability which, by the regulations of the company or society, may be attached to the shares. But shares with a contingent liability can only be issued to such members as voluntarily subscribe for them.

A restriction is placed by the Act on the raising of loans by any society or company registered under it. In the case of the co-operative agricultural society with unlimited liability a loan exceeding £100 may

not be raised unless it has been approved by not less than two-thirds of the members present at a general meeting convened for the purpose. In the case of a co-operative agricultural society with limited liability or a co-operative trading company, a loan exceeding one-half of the issued share capital of the company or society may not be raised unless approved in a similar manner and by a like proportion of members.

The Act contains a chapter dealing with the management of the societies. Most of the clauses in it are such as may be found in the Companies Acts in relation to directors and their powers and qualifications, financial statements, audit, transmission of returns to Registrar, and general meeting and procedure thereat. It may be mentioned here that in the case of a co-operative agricultural society with unlimited liability a member must record his vote in person and no member has more than one vote. In the case of the other two classes of associations every member has one vote and, if authorized by the regulations, he has, on a poll, an additional vote based on the quantity or value of produce delivered to, or the value of goods purchased from, the association; but such additional votes never exceed two.

Another chapter provides for the formation of Central or Federal Co-operative Companies with limited liability composed of any number of the societies or companies registered under the Act or registered in adjoining territories. These federal associations may be formed for all or any of the objects of an ordinary society or company, but may, in addition, include as one of its objects the acquisition of shares in any other central or federal association or the combining with any foreign company in any joint operations for the sale of produce or the purchase of agricultural requirements on behalf of its members.

Societies or companies registered under the Act may be liquidated voluntarily after the passing of the resolutions in general meeting by two-thirds of members or by order of Court on the application of some interested person. A society is *ipso facto* dissolved if the number of its members become reduced below its statutory minimum number for registration. Detailed provisions are inserted for the distribution of any surplus after discharge of debts and obligations. Here again many of the winding-up clauses of the Companies Acts have been inserted.

Death Duties.—Prior to the passing of the Death Duties Act (No. 29) there were upon the statute book (*a*) in the Transvaal under a pre-Union Act of 1909, a law providing for an estate duty on all property passing upon the death of a deceased person: (*b*) in the other three provinces under laws passed in the Cape in 1864: in Natal in 1905, and in the Orange Free State in republican days, a succession duty on dispositions of property (other than immoveable property situate outside the particular province) upon a death or on any devolution by law, upon death, of any beneficial interest in property or the income thereof. The rate of duty rose as the successor was less nearly connected or was entirely unconnected by blood with the deceased.

The new Act accepts the principle both of the estate duty and the succession duty and extends them throughout the Union.

Estate duty becomes payable on all estates of the net value of £2,000, it being fixed at the rate of ½ per cent. on that sum and rising in graduated scales to 17 per cent. when the estate exceeds £1,000,000. Property for the purposes of estate duty includes (*a*) immoveable property situated within the Union; (*b*) moveable property physically situate in the Union

at the date of the deceased's death ; (*c*) moveable property wherever physically situate provided the deceased was ordinarily resident in the Union ; (*d*) any limited interest in such immoveable or moveable property ; (*e*) any debt which is secured on immoveable property by bond registered in the Union ; (*f*) any debt recoverable or right of action enforceable in the Courts of the Union ; (*g*) stocks or shares in any company and of stocks of the Union Government or of a pre-Union Government or of any corporation or local authority, if the ownership of the stocks or shares passes by registration which is required to be effected in the Union ; (*h*) such stocks or shares aforesaid, wherever registration may be required to be effected, if the deceased person was ordinarily resident in the Union. Property will be deemed to pass on the deceased's death even though it is held by, or registered in the name of, another person or of a company, if the deceased directly or indirectly *and* for his own benefit had the control, order or disposition of the property or of the profits derivable therefrom.

Among the property which is deemed to pass on death is (*a*) an amount due on a policy of life insurance of the deceased when the policy has been wholly kept up by him ; (*b*) any limited interest held by him immediately prior to his death in moveable or immoveable property, but which interest ceased thereon ; (*c*) any annuity in which the deceased had an interest to the extent of any advantage accruing or arising by survivorship on his death ; (*d*) property passing under a *donatio mortis causa* on his death ; (*e*) property exceeding £100 in value and passing under a *donatio inter vivos* made before July 1, 1922, and taking effect within two years before his death.

Before the dutiable amount on which estate duty is payable is assessed there will be deducted: debts and funeral and testamentary expenses, the amount of death duties chargeable by any other State on moveables situate outside the Union ; the value of certain limited interests and of usufructs ; the value of property bequeathed for charitable, educational and religious purposes or to the Government ; any amount due under a policy of insurance upon the deceased's life when the amount is payable to a wife or surviving child under a marriage settlement or when the policy has been ceded for full consideration in deceased's lifetime, otherwise than as security.

There is a further abatement allowed of £1,000 which diminishes by £1 for every £1 by which the total value of the property, after allowing the deductions above described, exceeds £1,000. Provisions are of course inserted for determining values in the case of particular interests or properties.

Succession duty becomes payable whenever a person has become entitled to property or interest in property, (*a*) under a disposition made by a person dying on or after July 1, 1922 ; (*b*) by reason of the cessation on the death of any such person of any interest held by him in property ; (*c*) by reason of any advantages accruing by survivorship to any person in respect of an annuity in which a deceased person had an interest ; (*d*) by devolution in accordance with law on the death of any person ; (*e*) by virtue of dispositions made whereby property is deemed to have passed on death. The rate of succession duty depends on the degree of relationship to the deceased and varies from 2 per cent. to 10 per cent., the last being chargeable when the successor's relationship is more remote than that of nephew, niece, or where the successor is a stranger in blood

to the deceased. Complicated provisions are inserted for determining the value of fiduciary interests, usufructuary interests and other limited interests.

An abatement of £100 is allowed in respect of every succession, but such abatement diminishes by £1 for every £1 by which the value of the succession exceeds £100. Certain successions are exempt from succession duty. These are (*a*) those accruing from the deceased to his surviving spouse; (*b*) those accruing to public institutions of a charitable, educational or religious nature, or which have for their objects the advancement of science or art; and (*c*) successions accruing to any provincial administration or municipal or local authority.

Both estate and succession duty are assessed by the Commissioner for Inland Revenue, to whom is furnished a copy of every administration and distribution account rendered by an executor to the Master of the Supreme Court under the law relating to the administration of deceased persons' estates. The account must be certified by the Master, whose duty it is to determine the dutiable amount of the estate and of any successions disclosed in the account. It is on this certificate that the Commissioner for Inland Revenue assesses the duty, and if he is dissatisfied with the amount certified he may review the account and adjust the value or dutiable amount accordingly.

The persons liable to pay duty are (*a*) in the case of estate duty, the executor, where property actually passes, or, where property is merely deemed to pass, the beneficiary; (*b*) in the case of succession duty, the successor. The executor's liability is of course only in his capacity of executor, and for an amount not exceeding the available assets of the estate. But, before delivering or transferring property subject to duty, the executor must satisfy the commissioner that he has made due provision for payment of duty, and he may be made personally liable for payment of duty if he pays over or parts with possession or control of property without making such provision.

If an executor has to pay succession duty in respect of a succession he has a right to deduct the amount of duty paid by him from the amount paid over to the successor.

Notwithstanding anything in the terms of a will, a person liable for duty may hypothecate property in respect of which a liability for duty arises, in order to pay the duty.

Transfer duty already paid on transfer of property from the estate may be set off against estate duty payable on the property.

A company must not permit the transfer in its books of a deceased person's stocks or shares liable to duty until satisfactory proof has been lodged with the commissioner that duty has been paid in respect of such stocks or shares unless the commissioner for special reasons consents to such transfer.

Weights and Measures.—The enactment of a Bill prepared at the establishment of Union has been the subject of repeated demand by the public, whether merchants, traders or consumers. The laws of the old colonies were in every way inadequate for modern requirements, and, for that reason only, had ceased to be in practical operation. The Transvaal Republican law of 1874 and the Orange Free State law of 1898 had been based almost entirely on the Cape Act (No. 11 of 1858) which empowered the Government to obtain copies of the standard pound avoirdupois—the standard yard and the standard gallon as defined in the British Act

of George IV and copies of multiples and sub-multiples of those standards. The Government was also empowered to have made a measure of capacity for a standard or model bushel equal to eight imperial gallons. The standards thus obtained were to be deposited in the Treasury and copies made and verified were to be deposited at the various magistrates' offices throughout the Colony.

No provision was made for periodical assizing, but it was left to the police to enter traders' premises, examine weights and measures in use, and compare them with the local standards, and institute prosecutions where such weights and measures were at variance with local standards. An Act of 1859 declared the unit of land measures to be a foot of such length that 1,000 should be equal to 1,033 English feet. From this arose the expression " Cape foot " found in documents of belts and diagrams relating to landed property. The Natal law was even more scanty. By an Ordinance of 1852 it declared the imperial weights, scales and measures of Great Britain to be the standard weights, scales and measures of Natal, and authorized every municipal council to carry out the Act by calling on persons within the particular municipality from time to time to produce weights and measures in use by them for assizing.

In later times throughout the various provinces of the Union wide powers were conferred by municipal corporation laws on municipal authorities in relation to assizing of weights and measures. Several of the larger municipalities—notably Johannesburg—incurred considerable expenditure in procuring proper standards from Great Britain and under well-drafted by-laws carried out with some effect the assizing of weights and measures in their respective areas: and thus supplemented the deficiencies of the ordinary law. But in the country districts and in the smaller municipal areas the authorities whereof could not afford expensive standards or a trained staff of assizers nothing was done either under the ordinary law or any municipal by-law.

It was to remedy this state of things that the new Act (No. 32) was passed in 1922. It commences by declaring that the weights and measures defined in the Act (and no other with certain exceptions in special cases) shall be lawful weights and measures throughout the Union. The lawful standard measures of weights, capacity (or volume) and length are to be in accordance with a schedule. This schedule provides both for Imperial standard pounds, yards and gallons as units and for standard kilograms, metres and litres according to the metric system. The legal equivalents for each class of standard are stated to be derived from the International Bureau of Weights and Measures and are set out in the schedule. Having declared what are lawful standards and having thus provided for a metric system alternative to the Imperial system, the Act proceeds to declare by reference to another schedule the *denominations* of standard weights and measures. As the only lawful denominations of those standards and that all weights and measures used in trade are to be expressed in terms of those denominations or of multiples thereof this last-mentioned schedule sets out the denominations of I. Weights: (1) avoirdupois weights from 100 pounds or hundredweight to ½ dram, and that the ton shall be 2,000 pounds; (2) troy weights from 1,000 ounces troy to a pennyweight; (3) carat weights from 5,000 carats to 0·005 carat; (4) apothecaries' weights from 10 ounces to ½ a grain; (5) metric weights from 20 kilograms to 0·1 centigram, the metric ton being declared to be 1,000 kilograms. II. Measures of Capacity: (1) liquid measures from

1 gallon to ¼ gill; (2) apothecaries' measure from 1 pint to 60 minims; (3) metric measures from 20 litres to 1 millilitre. III. Measures of Length, Area and Cubic Contents: (1) length, customary multiples of the yard, the foot, the inch, the Cape foot and the Cape rood; (2) area, the morgen = 600 square yards, the acre = 4,840 square yards, the hectare = 10,000 square metres.

Power is reserved to the Government by proclamation to approve new standards based on the scheduled standards; and new denominations in addition to or in substitution for the scheduled denominations. Standards are to be procured as soon as possible by the Minister responsible for carrying out the Act and to be kept in his department. These are to be called "Union standards."

The Act is, subject to the Minister's control, to be carried out by a superintendent and assizers who are to be persons qualified by having passed a prescribed examination in mensuration—elementary physics, elementary mechanics and practical working in assizing. An assize board will be appointed to examine applicants for the post of assizer.

From the Union standards will be prepared copies of models thereof representing the scheduled denominations. These will be known as "departmental standards" and remain in the custody of the superintendent. Then copies of the departmental standards will be made and remain in the custody of an assizer in each town where an assize office is established. These will be known as "local standards."

A reverification of the departmental standards with the Union standards will take place at least once in five years, and of the local standards with the departmental standards at least once in every two years. The Minister may place the administration of the Act in any area over which a local authority has jurisdiction in the hands of that local authority, or may allow two or more local authorities to combine for the purpose of administering the Act. Detailed provisions too technical to set out here are prescribed for the assizing and stamping of weighing or measuring instruments or weights or measures and for their reassizing and restamping.

As from dates to be specially fixed by the Government, every contract, sale or dealing in the Union when it relates to anything to be done according to weight or measure must be made or expressed according to the authorized denominations, and if not so made or expressed will be void; tolls and duties must be collected according to those denominations; goods consigned for delivery in the Union from outside, in containers marked with a specified weight or measure, will not be cleared for entry by the customs' authorities unless such specified weight and measure is in accordance with any authorized denomination; and any person who sells any article by a denomination other than an authorized denomination will be guilty of an offence. Detailed provisions are included for dealing with false statements as to weight or measure; the making or selling or use of false or unjust weighing or measuring instruments or weights or measures; the forging or counterfeiting of stamps or dues used in assizing; the construction and marking of instruments, weights and measures, and the selling of goods except by net weight. Very wide powers are given as to the making of regulations on matters of detail in connexion with the administration of the Act.

The placing upon the statute book of these three Acts was all that was possible during 1922 in the work of consolidating and co-ordinating

pre-Union laws. Bills consolidating and co-ordinating the companies laws, insurance laws, laws governing the registration of medical practitioners, dentists, chemists, and nurses, laws governing the registration of births, marriages and deaths were either introduced or published with a view to introduction. They had, however, to be left over till 1923. One therefore turns now to the Acts passed in connexion with Industrial or Agricultural Development.

Railways.—First amongst these is the Railway Construction Act (No. 30) which authorizes the construction of twenty-two new lines of railway with an aggregate mileage of 851 at an estimated cost of a little over £4,000,000. Fifteen of these twenty-two lines are described in the schedule as agricultural railways, two of them having only a two-foot gauge. All these railways were in the Cape, Transvaal or Orange Free State, but the claims of Natal were dealt with by provisions for the electrification of large sections of the main line in that Province.

Electricity Supply.—The above electrification project will be assisted by and possibly expedited by the passing of the Electricity Act (No. 42). Hitherto electrical undertakings have been encouraged and controlled only in the Transvaal under the Power Act, 1910 (under which the Victoria Falls Power Company supplies electrical energy to the mines and some of the local authorities). Some measure of control and co-ordination of town lighting has, however, been possible in the Cape Province under a Provincial Ordinance of 1911.

The new Act creates two authorities: (i) a permanent Electric Supply Commission consisting of not less than three or more than five persons appointed by the Government, each member of the Commission being expressed to be selected for his knowledge and practical experience in business or administration, including knowledge and experience in electricity supply; (ii) an electricity control board of the same number of members who may, and probably will be, all officers in the public service. The commission is to be a body corporate. Its functions are: (*a*) the establishment, acquisition, maintenance and working of undertakings to supply electricity to the railway administration, government departments, local authorities and companies and persons carrying on industrial undertakings; (*b*) the investigation of new or additional facilities for the supply of electricity and the co-ordination and co-operation of existing undertakings so as to stimulate the provision of a cheap and abundant supply of electricity.

In order that it may carry on its functions as thus described, the Commission is empowered to appoint employees; to raise money on loan subject to the specific provisions of the Act; to acquire, hold, or dispose of property and rights of any description, to enter into contracts for the supply of electricity and make and recover charges for such supply; to purchase and sell coal or other fuel, steam, water, materials and stores; to manufacture and sell the products; to promote or oppose bills in Parliament.

If the Commission, after investigation, establishes or acquires an undertaking it must obtain from the electricity supply board a licence to carry it on. It must also obtain the Minister's approval and it may then be authorized to raise on loan the capital money necessary for the undertaking.

Before, however, it may establish a new undertaking it must publish a notice calling for tenders for the carrying on of the undertaking by

others. Further, if the Commission has already commenced the supply of electricity from an undertaking and been supplying for five years, or if the Minister thinks that such undertaking can be more advantageously acquired or worked by another, it must also call for tenders. The question whether the tenderer shall take over or the Commission continue will then be dealt with by the Government after investigation by the electricity supply board.

The borrowing powers of the Commission are strictly prescribed as to methods though not as to amount. The method is by the raising of stock or debentures on public subscription, with detailed provisions as to redemption.

In addition to these borrowing powers the Commission may obtain from the Treasury moneys to enable it to carry on its functions during the first four years of its existence or in anticipation of revenues to be obtained from undertakings acquired.

The Commission must establish a reserve fund to meet expenditure on replacement of obsolete machinery and plant and exceptional repairs or emergencies. The amount set aside for such fund must not exceed 3 per cent. of the moneys it raises in any one year by public loan or 15 per cent. in all.

As regards the prices which the Commission may charge for the supply of electricity it is laid down (i) that they shall be such as to cover the cost of production, distribution, maintenance and administration; and the amounts required for interest on and redemption of loan and for reserve fund; (ii) that the Commission shall carry on its undertakings as far as practicable, neither at a profit nor at a loss, and that its charges shall be adjusted accordingly from time to time. The prices to be charged are to be in accordance with a schedule of standard prices attached to the licence from the board subject to certain permitted variations. When it makes an adjustment of prices it must decrease or increase them in equal proportions for all classes of consumers. If it has any surplus or deficit in any financial year that must be carried forward to the next year, and allowance therefor must be made in adjusting the charges for electricity during that year. Each undertaking carried on by it must be separately taken into account when the prices to be charged are being assessed or adjusted and separate accounts must be kept of the expenditure of or in connexion with each undertaking, including not only actual expenditure but a fair allocation of the overhead and administration charges and of amounts for interest and amortization.

The Electricity Control Board is, as already indicated, primarily concerned with the licensing of all electrical undertakings, but no licence is required by a Government department of the Railways Administration unless the rated generating capacity of the plant exceeds 2,500 kilowatts, or by a local authority or a person generating electricity for his own private use, or supplying to one consumer only. Detailed particulars must be furnished by the applicant to the board, including particulars of the capital of the undertaking, of the design and construction of the plant and of the anticipated results both financial and otherwise; also of the schedule of prices which the applicant proposes to charge consumers, the classes of consumers to be supplied and the minimum amount of electricity for which supply to any one consumer is to be compulsory. After notice of the application is published fixing a time and place for hearing objections, the board, after hearing the objections (if any), may

grant a licence if satisfied that it is in the public interest and that the rights of any existing undertaking are adequately safeguarded. The board prescribes the form and conditions of the licence. Those conditions must include the following: (1) that the licence may not be transferred without the consent of the board; (2) that it shall not be used in respect of any undertaking not specifically described in the licence; (3) that no electricity shall be supplied outside the area specified in the licence; (4) that the licensee shall commence supply within a specified period, due regard being had to the quantity to be supplied, the conditions of labour and the demands of the public.

A licence must contain a schedule of standard prices chargeable to various consumers, and the board may provide for a periodic revision of the schedule. Surplus profits of every licensee (other than the commission) must be shared with consumers, in the following manner: First there is a periodic revision of the schedule of standard prices; at the revision not more than one-half of the reduction (if any) effected by the licensee since the last revision, in the cost of generation and distribution, is to be applied to the reduction of the standard prices. Further, the licensee must, within six months after the end of its financial year, distribute among its consumers, *pro rata* to their payments, 25 per cent. of the surplus profits of the undertaking for that year.

The licensee is allowed to vary his schedule above or below the standard prices, regard being had to the amount of electricity consumed, the uniformity or regularity of demand, the time during which the supply is required and the expenditure of the licensee in furnishing the supply.

If a licensee makes default in supplying according to contract, except for causes beyond his control, the Government may authorize the commission to enter upon and take possession of the undertaking and work it at the risk and expense of the licensee and continue to do so until the Government is satisfied that the licensee will carry out his obligations.

After forty years a licensed undertaking may be expropriated by the Commission on the authority of the Government on the basis of payment for the existing value of the lands, buildings, works, machinery, material and plant, but with no addition for compulsory purchase, goodwill or prospective profits. The Act also contains a chapter dealing specially with the supply of electricity in certain areas. The first principle laid down with regard to this is that the sale and distribution of electricity within every part of an urban local authority's jurisdiction shall be under the control of that authority except in so far as an authorized undertaker has already acquired the right to supply within that area. But whenever such a local authority intends to establish an undertaking, or to enlarge an existing undertaking to an extent exceeding within twelve months 10 per cent. of the existing rated generating capacity, it must apply to the provincial administrator who will obtain a full report on the proposal from the Commission. The Commission will state whether it can itself furnish a supply with greater advantage to ratepayers and consumers.

An urban local authority is authorized to supply electricity outside its own area with the permission of the electricity supply board, which will advertise for and hear objections.

All other undertakers are excluded from supplying electricity (except for power purposes) within an urban local authority's jurisdiction unless the local authority consents. If it is alleged that such consent is un-

reasonably withheld, the board determines the question after a public inquiry. Among the miscellaneous provisions of the Act are powers of expropriation of land and interest in land by authorized undertakers with the approval of the Government ; and the right of an undertaker to obtain permission from a Water Court to use for purposes of his undertaking water from a public stream and impound surplus water of such a stream on payment of compensation.

Iron and Steel Bounties.—The Iron and Steel Industry Encouragement Act (No. 41) provides for the payment of bounties out of the Consolidated Revenue Fund for any financial year in respect of pig-iron or steel produced within the Union from ores mined therein. Payment of bounties is only to be made if the Minister is satisfied, on data supplied to him by the producer, that the producer's plant is capable of producing at least 50,000 tons per annum. The rates of the bounties (in each year) are, till March 31, 1927, 15*s.* per ton, then diminishing by 2*s.* 6*d.* per year till in 1933 they will cease to be paid.

Provision is made for advances prior to the stage of production having been reached, but no sum thus advanced must exceed in any one year the amount of bounties which the producer would have obtained if the stage of production had been reached and he had produced in that year iron or steel to the full extent of the capacity of the plant then being erected.

To obtain a bounty the producer must furnish full particulars as to his place of production, the estimated productive capacity of his plant and the amount expended by him in its erection, the amount and nature of the capital of his undertaking and the date when producing operations will commence. The Government reserves the right to nominate a person as its representative on the board of directors of the company as long as it is being paid bounties. The books of the company are to be open to inspection and audit by an officer appointed by the Minister.

Coal.—The Coal Act (No. 27) was enacted to provide for the inspection and grading of coal produced in the Union which is intended for export or for bunkering steamers in South African ports ; to prohibit or restrict the export or bunkering of coal when the demand for coal for consumption within the Union demands it, and to safeguard the supply of coal for public utilities.

Those provisions of the Act which relate to grading are to be carried out by means of grading committees appointed by the Minister. He will only appoint a grading committee in any province if he is satisfied that not less than two-thirds of the collieries in that province are prepared to adopt a method of grading coal in accordance with principles laid down in the Act. The members of a grading committee for any province will be nominated by the collieries in that province, with an independent chairman nominated by the Minister.

Grading is to be conducted in a manner to be prescribed by regulation. The committee will issue grading certificates which will specify the grade of coal to which it applies. In determining the grade of any coal, a grading committee must take into consideration reports from its own officers and from the colliery concerned on the results of sampling, inspection and tests. It may refuse to issue a certificate for coal where such coal is liable to such spontaneous combustion as to constitute a danger to life or property.

Coal may not be exported or bunkered until it has been graded and a

certificate issued in respect of it. The cost of grading is to be defrayed by a levy made by the committee on all the collieries in its jurisdiction. The initial levy is based on the tonnage shipped by those collieries during six months prior to that levy. Subsequent levies by the committee are made once a quarter in proportion to the quantity of coal supplied during the preceding quarter by each colliery for export or bunkering.

With regard to the prohibition or restriction of export or bunkering, it is provided that whenever the Minister apprehends a scarcity of available coal for consumption within the Union he may, by Gazette notice, prohibit or restrict any or every colliery from exporting or bunkering coal until adequate supplies for local consumption have been assured.

The South African Railways and Harbours Administration if, after making all reasonable efforts, it is at any time unable to make satisfactory contracts for securing coal required for its purposes (whether the inability is due to scarcity of available coal or to a combination or concerted action between any collieries), may call upon the collieries which supply coal suitable for its requirements to deliver it in proportion to the total amount sold by each. But it must not call upon any colliery outside the province from which the coal is usually obtained or upon a colliery which is under contract to supply the administration and has already supplied to it a reasonable proportion of its output. Questions in dispute as to this or as to the quantity to be supplied or the price thereof are to be settled by arbitration.

The Railways Administration, if it finds itself at any time short of coal for its purposes, may intercept and apply to its own use any suitable coal which may be in transit on its railways, but such interception and use must be such as to cause the least possible inconvenience to any colliery, consignee or other person, and is limited to quantities urgently required by the Administration day by day, and must never exceed in the case of any particular colliery 2½ per cent. of that colliery's monthly dispatches of coal. In this case also the price to be paid is to be fixed by arbitration in case of dispute.

Heavy penalties are provided for in a contravention of the Act as well as for forging brands or certificates, or for wrongfully issuing any certificate, analysis or false document in relation to export or bunker coal.

Imports.—The Imports Regulation Act (No. 13) was enacted owing to the expiry of the Public Welfare and Moratorium Acts, 1914 to 1920, under which it was possible, during the war and the immediate post-war period, to regulate and restrict imports and to fix the prices of necessaries. Among the many articles which had been subject to fixation of prices owing to prohibition against import or export was sugar. The production of sugar in Natal was and is sufficient for the Union's consumption. Economic considerations and the desirability of protecting the sugar industry rendered it necessary to continue the restrictions on the importation of sugar, but with this obviously must go a power to fix the maximum prices which may be demanded on the sale of any grade or kind of sugar. Such a power is imposed by the new Act.

In 1920, under the Public Welfare Acts, regulations were made restricting also the importation of foot-wear for the purposes of fostering a youthful but growing industry. The new Act continues the power to make such regulations, but not to fix maximum prices. The intention is to restrict the quantity of foot-wear which may be imported in unfair competition

with the particular class of foot-wear which is being manufactured in the Union.

Customs and Excise.—In connexion with legislation for protecting Union industries reference may here be conveniently made to two clauses in the Customs and Excise Duties Amendment Act (No. 35) passed in the session under review. The first provides for a levy of a special or exchange customs duty on goods imported from countries with depreciated currencies where goods of that class or kind are produced or manufactured in the Union. The clause is to be put in force where goods are, by reason of the depreciation of currency in those countries, being imported therefrom at prices which are detrimental to South African industries. The clause is to be put in force in such a case by proclamation, which will not take effect for six weeks after its issue. The proclamation will determine the rate at which the currency of the country of origin of the goods is to be converted into Union currency for the purpose of determining customs duty. The difference between the free-on-board value of the goods as charged to the importer and the free-on-board value at the rate so determined and declared, will be charged as a special duty in addition to ordinary customs duties. But this special duty must not exceed 50 per cent. of the value so determined. The second clause to which reference has been made provides for the levy of a special customs duty on imported goods where they are being sold or offered for sale in the Union for an amount which is less than the price at which similar goods are sold wholesale in the principal markets of the country of manufacture for consumption therein, added to the cost of packing, f.o.b. charges and cost of freight from that country to the Union, if by reason of the goods being sold or offered for sale an industry in the Union is likely to be seriously affected. The special customs duty which may be imposed by Government proclamation is an amount equal to the difference between the price in the country of origin *plus* the costs of packing, f.o.b. charges and freight and the amount at which such goods from that country are being sold or offered for sale in the Union.

Agriculture.—A number of Acts were passed during the session under review which were designed specially to assist or encourage the agricultural industry. These include: (1) The Agricultural Products Grading Act (No. 16), to enable the agricultural products of any particular factory, or dealt in by a co-operative agricultural society, to be inspected and graded on the application of the owner of the factory, or of such society (as the case may be) on payment of such special fee as will be sufficient to defray the departmental expenditure incurred in the inspection or grading. These special fees will be paid into a special account and applied to fostering the particular agricultural industry concerned, by means of grants either to the societies or to persons who satisfy the department that they will devote the grant to those objects. When any particular agricultural product is being graded in accordance with prescribed standards of quality and composition, the importation into the Union of like products which do not conform to the same standards of quality and composition will be prohibited. Hitherto inspection and grading of agricultural products have been confined to such as are intended for export from the Union. This has been done under the Fruit Export Act, 1914, and the Agricultural Produce Export Act, 1917, both of which Acts are amended in minor respects by the new Act and so as to conform therewith.

The Land Bank Acts Amendment Act (No. 40) extends the provisions under which loans may be made to co-operative agricultural companies. This is consequent on the passing of the Consolidating Co-operative Societies Bill already reviewed. The Act also extends the facilities for all such companies, as well as for the societies formed on a basis of joint and several liability of members, obtaining advances in the form of a cash credit account.

The Land Settlement Acts Further Amendment Act (No. 21), in addition to modifying in minor matters some of the restrictive conditions, applicable to allottees and lessees who have been settled on Crown lands under the Land Settlement Act, 1912, as amended in 1917 and 1920, gives further facilities for lessees acquiring freehold title to their holdings, in one case by their acquiring the right to purchase, by paying on allotment a sum not exceeding one-fifth of the cost to the Government of the holding and the balance in half-yearly instalments of principal and interest; in the other case by obtaining a Crown Grant of the holding after a five years' tenancy, whenever the value of the holding, with the permanent improvements effected by the lessee, exceeds one-fourth of his indebtedness to the Government in respect of the amount originally paid by it for the holding and of advances made to the lessee, the balance of the amount due from the lessee being secured by mortgage bond in favour of the Government.

Revenue.—The Revenue Acts for the session consisted only of the Income-tax Act (No. 23), which fixed for the ensuing year ending June 30 the rates of normal income-tax and supertax as in the preceding year; and the Customs and Excise Duties Act (No. 35) referred to above which made certain small alterations in the tariff of customs duties on cigarettes of three farthings per half-ounce and varied the excise and corresponding customs duties on pipe tobacco and cigars, and the Death Duties Act (No. 29) to which full reference has also already been made.[1]

Mandated Territory.—The Mandate held by the Union for South-West Africa necessitated some legislation by the Union Parliament. In the first place permanent provision had to be made for the administration of the railways and harbours in the territory. Since the military occupation in 1915 those railways and harbours have been controlled, managed and worked by the South African Railways Administration, *i.e.* by the Union Government Railway Department. Statutory sanction was first given to this by Act 42 of 1916 which enabled the railway and harbour fund of the Union to be charged with expenditure incidental to the management and working of the railways and harbours of the territory as from August 1, 1915. That provision ceased to operate from the date of Act 49 of 1919, when effect was given to the Treaty of Versailles, by conferring power on the Union Government to accept a mandate from the League of Nations and to carry out the provisions of the Treaty with regard to the territory. The operation of the Act of 1916 was temporarily extended in 1921, pending a more permanent provision for the management and working of the railways and harbours in the territory. The South-West Africa Railways and Harbours Act, 1922 (No. 20), makes this permanent provision and provides for the transfer to the Union Government of all railways and harbours in the territory, other than private sidings and certain scheduled railway lines which belong to private corporations. The effect of the Act is to transfer those railways and

[1] See *supra*, p. 115.

harbours which were the property of the late German Administration, and which would therefore under the Treaty be surrendered by Germany, to the Allied and Associated Powers.

The railways and harbours so transferred will, under the Act, be worked as part of the Union system of railways and harbours and all the Acts which govern the latter have been specifically applied to the transferred railways and harbours except that special tariffs of fares, freight, rates, wharf dues and other charges may be framed. Special provision is made for charging on the railways and harbours capital account of the Union the loss arising from the control, management and working of the railways and harbours of the territory since August 1, 1915, and for the valuation of stores taken over. The transfer of these railways and harbours is made subject to debts and obligations incurred in respect of them prior to January 10, 1920, the date of the coming into force of the Peace Treaty.

The South-West Africa Affairs Act (No. 24) deals with a number of matters—mostly judicial, in respect of the relations between the Union and the mandated territory. It first places the administration of and legislation for the port and settlement of Walfisch Bay (which is a part of the Cape Province but cut off from it and entirely surrounded by the mandated territory) under the Administrator of the territory and confers upon him the powers which the Government has under an old Cape Act of 1884, of legislating by proclamation for the port and settlement. In future no Act of the Union Parliament will apply to it unless expressed to do so or declared so to apply by proclamation of the Governor-General.

The Act then proceeds to provide for the execution within the Union of criminal warrants issued by a proper officer in the territory for the apprehension in the Union and return to the territory of the person for whose arrest the warrant is issued. Since the Peace Treaty the Extradition Treaty with Germany no longer applied as between the Union and the territory, while, owing to the fact that the mandated territory is not a British possession, the Fugitive Offenders Act, 1881, of the Imperial Parliament could not be extended to it by Order of the King in Council. Again, provision is made for the service and enforcement in the Union of subpœnas issued in the territory for the attendance of witnesses in either civil or criminal cases in the territory, while interrogatories for use in civil cases in magistrates' Courts in the territory may be sent to the Union to be administered and the answers transmitted back.

Several sections of the Union Administration of Justice Act, 1912, dealing with the service and execution of the process of superior Courts in the Union, are declared to apply to the mandated territory as if it were a part of the Union, and judgments given in the one may be enforced in the other when duly certified. Provision is also made for removing a civil or criminal case from superior Courts of the Union to a superior Court of the territory and *vice versa* when it is clear that it is a matter of greater convenience for hearing and determination.

Defence.—Two Acts relating to the defence of the Union are of importance. The enactment of the first—the South Africa Defence Amendment Act (No. 22) was rendered necessary as a result of the experience gained by the war as well as by the removal from the Union of every unit of the Imperial regular forces. The first provision is the reorganization or rather reconstitution of the South African Permanent Force. This is to consist of a Headquarters Staff with instructional and administrative staffs,

a South African Field Artillery, regiments of mounted and dismounted riflemen, garrison artillery and fortress engineers, an air corps, a signalling and communications corps, medical corps, veterinary corps, ordinance corps, supply and transport corps, and a military pay and clerical corps. The conditions of service of the whole force are specifically prescribed, as well as the conditions under which members of the South African Mounted Rifles (the disbanded force) may become enrolled in the new permanent force. Provision is also made for a "permanent force reserve" which will include mainly time-expired men of the force.

The Act then goes on to deal with the registration and training of persons for service in the Active Citizen Force. Under s. 53 of the principal Act of 1912 the Government was empowered to fix the first calendar year in which registration of persons liable to peace training should commence. The duty of registration was then imposed on all European males who attained an age between seventeen and twenty-one during the first year, and in succeeding years on all European males who attained the age of seventeen. The outbreak of the war in 1914 prevented this section coming into full operation. The new Act (s. 5) imposes a duty on every person who attains or has attained his seventeenth year during 1921, 1922, 1923 or 1924, to register himself for peace training during the month of January 1924. Under the Act of 1912 the course of peace training was from July 1 in the year of entry into the Citizen Force to June 30 in the fourth year after that date ; and the period of training was left to be prescribed by regulation, but was not to exceed thirty days for a recruit and twenty-one days in subsequent years. Of these days not more than twenty-two in the first year and not more than fifteen in subsequent years were to be continuous days of training. The new Act (s. 6) lays down definitely that the course of peace training is to extend over four years and is to be normally completed within that time. Where, owing to education or vocational training or ill health, that is not possible, the period of completion may be extended to six years. The course of peace training will include three periods of continuous training of which one will not last more than fifty days and the other two taken together will not last more than thirty days. Where boys are being educated at a school at which a cadet corps has been established they may continue to be so trained up to their twentieth year, and their periods of training as cadets after they have reached their seventeenth year will count as equivalent to training in the Active Citizen Force.

The remainder of the Act contains minor amendments of the principal Act consequent on the changes described in this review, as well as certain additional amendments found desirable after an experience of nine years. The principal additions deal with prohibition of access to military camps and barracks and naval dockyards and the provision of mess and garrison institutes and canteens free of licence from the ordinary local authorities.

The Defence Endowment Property and Accounts Act (No. 33) gives effect to an arrangement between the Imperial Government and the Union Government whereby, in consideration of the latter assuming responsibility for the land defences of the Union and for any military measures which might be necessary for the defence and security thereof, the former undertook to relinquish in favour of and transfer to the Union Government all lands and interests in land held by the War Office throughout the Union, together with the valuable permanent buildings

and structures on the lands, the only condition the Imperial Government made being that the Union should hold and use these properties exclusively for the benefit of the defence force organizations, or, if they are disposed of, should use the moneys obtained for these organizations.

These lands, buildings and interests in land are transferred according to a schedule and provision made for registration of the transfers in the appropriate deeds registry. Subject to certain express powers of appropriation, sale or lease the lands, etc., are declared by Act to be held and maintained for the use and benefit of the Union Defence Force. The powers of appropriation are in favour of any other department of State (except the railways and harbours administration) the value being determined by a method of assessment approved by the Defence Department and the Treasury.

The powers of sale or lease are in respect of the railway administration —any provincial administration, any local authority, or any person or body of persons corporate or incorporate. In the case of sale the purchase price has to be determined by the same method as in the case of an appropriation, and in the case of a lease the rent has to be in like manner determined. But power is reserved to exchange land with a local authority or to give it terms of payment conditional on a mortgage bond being passed as security bearing interest at a rate determined in the same manner.

A special account is created called "the Defence Endowment Account," to which will be credited the value of property appropriated or reserved for other Government departments and into which will be paid the purchase price of endowment property sold under the powers of the Act: interest on mortgage bond or rents received or leases thereunder; interest on the investments of the account. The moneys in the account are to be applied to permanent defence works and buildings, repairs, structural alterations and renovations of existing buildings, and no moneys are to be withdrawn from the account except under the authority of an appropriation Act. Certain debits are to be made to the account in respect of a sum amounting to £150,000 due to the Imperial Government by agreement, in respect of certain lands and buildings transferred by it.

Certain Admiralty lands at Simonstown are also to be transferred to the Government as defence endowment property, those lands having been granted originally without payment to the Admiralty by the former Government of Cape Colony.

Miscellaneous.—Three Acts remain for review—Acts which it is difficult to place in any of the above categories, though two of them are possibly of an economic nature or were enacted for economic reasons.

Coinage.—No. 31 provides for a Union currency, coinage and legal tender. It is in the form adopted by the Commonwealth of Australia, and declares according to a schedule the standard weight and standard fineness of the gold, silver and bronze coins. It enables the Treasury to cause to be made and issued silver and bronze coins of certain denominations. These are:

Silver: the half-crown, the florin, shilling, sixpence and threepence; and *Bronze*: the penny, the halfpenny and the farthing.

Gold coins made at the Pretoria Mint (which was established under an Act of 1919 as a branch of the Royal Mint) will of course be the British sovereign and half-sovereign.

Legal tender is declared to be made either in Union coins, British coins

or Transvaal coins; in the case of gold, coins to any amount; in the case of silver, forty shillings; and in the case of bronze coins, one shilling.

Transvaal coins are those issued by the Government of the late South African Republic, which became legal tender throughout the Union under a Royal proclamation issued in 1911 under the Imperial Coinage Acts.

The making or issue of any piece of metal as a coin or token of money is prohibited except when made or issued by the Pretoria mint or to the order of the Government of the Union. Such an order would cover gold coins imported from Great Britain. Contracts are to be made in terms of coins which are current and legal tender.

The Government may call in Transvaal or Union coins; determine the dimensions and design of any Union coins; diminish the amount of the scheduled remedy allowance; or determine the least current weight of any Transvaal or Union coin other than a gold coin.

Apprenticeship.—No. 26 is designed to regulate apprenticeship to certain industries and matters incidental to such apprenticeship. It will apply, subject to the Minister's order, to the following industries: boot-making, building, clothing, carriage-building, electrical, food, furniture, leather working, mechanical engineering and printing. The Minister's order of application will, however, only be issued in respect of any area after consultation with the apprenticeship committee appointed by him under the Act for such area. Provision is made for the appointment of an inspector of apprenticeship.

Every apprenticeship of a minor in a designated industry is to be governed by the Act, and a minor may not, except with the written consent of the inspector of apprenticeship, be employed for a longer period than six months in such an industry unless he is under a contract of apprenticeship executed in terms of a scheduled form. Every minor who is over the age or standard prescribed for compulsory attendance at school, or in any area where there is no such provision for compulsory attendance, any minor who has attained the age of fifteen may, with the assistance of his guardian but subject to the provisions of the Act, bind himself as an apprentice to any designated industry. If the minor has no guardian the local magistrate will *ex officio* act in that capacity. A contract of apprenticeship will not, except with the express approval of the Minister, bind an apprentice after he attains the age of twenty-six. The giving or receiving of any considerations, premium or bonus in respect of the engagement or employment of an apprentice is declared unlawful except with the consent of the Minister.

Provision is made for the registration of contracts of apprenticeship and for the cancellation by mutual consent, or, with the approval of the Minister, for good and sufficient cause adduced by the employer or the apprentice or his guardian. The inspector may, upon the instructions of the Minister, cause investigation to be made of alleged breaches of any contract of apprenticeship with a view to legal proceedings being taken against the person in default.

Apprenticeship committees may, as indicated above, be established by the Minister for any defined area. A Committee must consist of not less than five persons, and have an equal number of representatives of employers and employees chosen by the organizations or associations of employers or by trades unions of employees, as the case may be. The chairman is to be an independent person selected by the Minister.

The following matters are to be determined by the Minister after

consultation with the apprenticeship committee concerned: the period of apprenticeship, the number of apprentices whom an employer may have, the rate of wages of apprentices, the qualifications upon which apprenticeship shall commence, the nature and number of the educational classes to be attended by the apprentice and his course of training in his trade.

The apprenticeship committee will also investigate any dispute arising out of a contract of apprenticeship, and, if possible, settle the dispute. To enable it to carry out effectively all its functions it is given the power of summoning witnesses, placing them on oath and demanding the production of books and documents.

Public Archives.—No. 9 makes provision for the custody and control of the public archives of the Union by a chief archivist who is to be appointed by the Government, and by the creation of archives depots to which will be transferred such public archives as are no longer required by Government departments for every-day administrative purposes. The archives will consist of " Union Archives " which have been formed by the various departments since the establishment of Union and " Provincial Archives," which include those formed by the provincial administrations since that time and also the archives of the late colonies whose boundaries were co-terminous with the present provinces. The Government will be assisted by the advice of an archives commission as to the collection, preservation, distribution and publication of any of the archives.

This completes the review of Union legislation for 1922. There were, of course, other Acts passed, but they are of insufficient public interest to justify any detailed explanation. Some make short amendments to administrative Acts, others include nine Appropriation Acts and two Acts dealing respectively with adjustments of public revenue and expenditure and extra-statutory pensions.

2. CAPE OF GOOD HOPE.

[*Contributed by* G. M. Swift, Esq.]

1920.

Ordinances passed—30.

Divisional Councils.—No. 14 empowers Divisional Councils to frame and adopt a pensions scheme for the benefit of their employees.

No. 29 amends the general law in certain respects—the most important being the exemption of athletic and sporting grounds from liability for rates.

Education.—No. 27 adopts the important principle of free education for all children attending schools under a school board up to Standard VI, and makes further provision in regard to the compulsory attendance of European children at school.

No. 8 deals comprehensively with questions of the classification and grading of schools and teachers for European children under school boards and makes further provision respecting the emoluments and pensions of teachers.

Fisheries.—No. 30 is a consolidating measure which re-enacts all the existing Fishery Laws of the Province with amendments in the

direction of giving the Administration increased powers for the protection of fish and the fishing industry.

Municipal.—No. 25 amends the General Municipal Law of 1912, its provisions being miscellaneous in character. It provides, where a Municipal Council shall so elect, for a Government in lieu of a local audit; it exempts athletic and sporting grounds from liability for municipal rates; it empowers Municipal Councils to charge rentals for verandahs and similar structures projecting beyond the line of a street, to tax and control the use of bicycles; it provides for the forfeiture by any candidate for the office of Councillor of a deposit not exceeding £25 where such Councillor shall fail to obtain a minimum number of votes.

Taxation.—No. 19 imposes a tax upon bookmakers in respect to their winnings upon a race-course.

No. 18 imposes a tax of 3 per cent. upon the annual takings of Companies carrying on the business of canning crayfish.

No. 16 imposes licence fees upon persons carrying on certain specified trades, callings and professions.

No. 17 imposes a tax upon the paid-up capital of companies carrying on business within the Province.

No. 15 fixes the rate of the Provincial Immoveable Property Tax for 1920.

1921.

Ordinances passed—32.

Education.—No. 5 is a comprehensive consolidating measure which repeals all existing laws in the Cape Province, some thirty-five in number, relating to education other than higher education, and re-enacts their provisions in an amended form. The earliest Education Act was passed in the Cape Colony in 1865. That Act stood unmodified until the passing of the Education Act of 1905. After 1905 the legislative changes in the law were rapid and numerous, resulting in great confusion. The new Ordinance is divided into four parts, each part being subdivided into chapters. Part I deals with the functions of the Education Department and the general control of Education. Part II treats of European and Part III of non-European education. Part IV contains miscellaneous provisions.

Local Government.—Two important Ordinances, No. 10 and No. 11, deal with the subject of the local government of settled communities not of sufficient size and importance to be created municipalities. No. 10 is a consolidating measure dealing with the creation and functions of Village Management Boards. It provides for the election of such Boards by the inhabitants of the area concerned and confers upon the Boards powers necessary for the control of the area and particularly for the safeguarding of the public health. No. 11 provides for the creation of Local Boards possessing very similar powers to those conferred upon Village Boards. The most important distinction between Village and Local Boards consists in the fact that the majority of the members of the latter are Government nominees.

Taxation.—No. 8 imposes a tax upon bookmakers in the form of an annual licence and a percentage upon their winnings. The Ordinance further imposes a tax of 5 per cent. upon all amounts won by any member of the public upon the result of any horse-race.

No. 12 imposes an annual tax upon persons carrying on certain specified professions.

No. 22 imposes a tax upon the profits derived from the business of canning crayfish.

1922.

Ordinance passed—10.

The legislation passed during this session was unimportant, consisting, in addition to the usual financial measures, of short amending Ordinances.

The only taxation measure passed was No. 7—an Ordinance increasing the amounts payable for liquor licences.

3. TRANSVAAL.

[*Contributed by* G. HARTOG, ESQ.]

Ordinances passed—13, of which 6 were Appropriation Ordinances.

Betting.—Ordinance 5 amends the Betting Houses Ordinance (13 of 1918), s. 5, by allowing betting through bookmakers on whippet or dog-races as well as by totalizator.

Publication of Betting Odds.—By Ordinance 6 the restrictions on such publication contained in sub-sections (*d*) (*e*) and (*f*) of s. 5 of the principal Act 37 of 1909 (Horse-racing and Betting Restriction) are repealed.

Registration and Control of Dogs.—By Ordinance 7 a further proviso added to s. 2 (3) of Act. 23 of 1907 (Registration and Control of Dogs) enabling owners of whippets duly certified as kept solely for racing purposes to obtain licences for such dogs at an annual charge of 10s. (All dogs of the greyhound strain or of a similar kind had hitherto been subjected to an annual licence of £5.)

Employers' Tax.—By Ordinance 8 [1] every employer of labour in the Province is taxed annually a sum of £1 in respect of every employee (over 16 years), in excess of eight persons. Exempted are (i) hospitals; (ii) ecclesiastical, charitable and educational institutions; and (iii) local authorities.

Poll Tax Amendment.—By Ordinance 9 the Poll Tax Ordinance 7 of 1921, s. 4, is amended by reducing the £2 10s. rate to £1 10s. and increasing the additional 10 per cent. rate payable by income-tax payers to 15 per cent.

Chapter II of the Ordinance of 1921 providing for a tax on natives (having been declared *ultra vires* by the Appellate Division, *v. supra*) is solemnly repealed.

Shop Hours.—(Witwatersrand and Pretoria).—By Ordinance 13 it was proposed to confine the operation of the principal Shop Hours Ordinance 14 of 1916 to the Province outside the Rand and Pretoria, and in the two latter areas to reduce the hours of assistants to 8 per day and 48 per week, to shorten the opening and closing hours accordingly (including Saturday closing at 6 p.m.) except in the case of native eating-houses and butcheries or native shops trading " on ground held under mining title or where in the opinion of the Administrator mine native trade is mainly

[1] This Ordinance was declared *ultra vires* on a special case stated to the Supreme Court, Pretoria, but this decision was reversed by the Appellate Division on November 18, 1922.

carried on," which are given certain privileges as to earlier opening and later closing.

This was done by repeating the clauses of the Ordinance of 1916 in the new Ordinance but with the above amendments, and limiting its operation to the Rand and Pretoria.

Section 14 provided that the new Ordinance was to come into operation on such date as the Administrator might by proclamation declare. The Ordinance was promulgated in the *Provincial Gazette*, but there had been no proclamation of a date as required by s. 14. In a prosecution under the new Ordinance a magistrate held for that reason that the Ordinance was not in operation notwithstanding s. 91 of the S.A. Act. In consequence of this decision the Transvaal Provincial Executive issued an official statement (November 30, 1922) in which it was said that " the necessity for considering the issue of a proclamation to bring the Ordinance into operation has arisen owing to the above decision, that they had decided not to authorize the Administrator to issue such a proclamation, and that the effect of this decision is that the position is as though the Ordinance of 1922 had not been passed."

In view of this action following upon a magistrate's decision it is quite impossible, in the absence of any authoritative legal decision, to say whether the new Ordinance is law or not.

Two other Ordinances passed the Transvaal Provincial Council in 1922 ; one, to amend the Roads Ordinance 5 of 1912 was vetoed by the Governor-General in Council on October 26, 1922, as being *ultra vires* ; the other, to amend the Pounds Ordinance 7 of 1913, has not yet been assented to.

BRITISH EMPIRE.

V. BRITISH INDIA.

[*Contributed by the* Hon. Sir Alexander Muddiman, C.S.I., C.I.E.]

1. ACTS OF THE INDIAN LEGISLATURE.

Acts passed—24.

Electricity.—The Indian Electricity (Amendment) Act (No. 1) was passed to rectify certain defects in details in the Indian Electricity Act of 1910,[1] which were brought out by the extension, in recent years, of the use of electricity supplied both by municipalities and by public utility companies. The Act amends some of the provisions of the Act of 1910 that had proved discouraging to those who invest their money in electrical undertakings. The amendments are of a minor character.

Factories.—The Indian Factories (Amendment) Act (No. 2) embodies the provisions of the draft conventions and recommendations adopted by the International Labour Conference at its first meeting at Washington in 1919, as far as it is possible to give effect to them in India. In addition, the Act endeavours to remedy a few other defects in the Indian Factories Act, 1911,[2] that were pointed out by the Industrial Commission and the Indian Cotton Committee, and various official and non-official bodies and individuals. The principal features of the Act are the provision of further protection for children employed in factories, the limitation of working hours, a considerable extension in the definition of factories and the enunciation of definite principles to regulate the grant of exemptions from the provisions of the Act.

Universities.—The object of the Benares Hindu University (Amendment) Act (No. 3) is to permit the retention on the Court of the Benares Hindu University of any member of the First Court of the University, even though he may not be a Hindu.

The Delhi University Act (No. 8) establishes and incorporates a unitary teaching and residential university at Delhi.

Criminal Law.—One of the first demands of the Legislative Assembly was that an examination should be made with the object of ascertaining to what extent the Statute Book could be relieved of measures giving extraordinary powers supplementing the ordinary criminal law. The Government agreed to a committee for this purpose in 1921, and the recommendations of the committee are embodied in the Special Laws Repeal Act (No. 4). The most important of the Acts repealed are the State Offences Act, 1857, and the Forfeiture Act, 1857. The

[1] See *Journal of Comparative Legislation*, New Series, vol. xii, pt. ii, p. 368.
[2] *Ibid.*, vol. xiii, pt. ii, p. 329.

Act also repeals the old Regulations relating to state offences. The process is continued by the Indian Criminal Law (Amendment) Repealing Act (No. 5), which in accordance with the Report of the same Committee repeals the whole of Part I of the Indian Criminal Law Amendment Act, 1908 (14 of 1908).[1] The part in question allowed the Executive Government in special circumstances to resort to a shorter form of procedure by which an accused person in the case of certain heinous offences could be brought to a speedy trial before a special tribunal consisting of three judges of the High Court.

Lunacy.—The Indian Lunacy (Amendment) Act (No. 6) allows lunatic asylums to be called mental hospitals and provides for the recovery of charges for lunatics maintained in an asylum of one province who belong to another province.

Emigration.—The Indian Emigration Act (No. 7) prohibits indentured emigration and provides for the control of emigration in the future. Emigration for the purpose of unskilled work is prohibited except to such countries and on such terms and conditions as the Governor-General in Council may by notification specify. The approval of both Chambers of the Legislature is necessary to any such notification. Emigration for the purpose of skilled work is permitted on the lines of the former law, but the Governor-General in Council is given executive power to prohibit such emigration to any specified country. The Act also provides for the appointment of protectors of emigrants with advisory boards in the various provinces of British India and for agents to look after the interests of emigrants in places outside British India.

Civil Procedure.—The Civil Procedure (Amendment) Act (No. 9) provides more effective means of meeting the evil arising from the institution of fraudulent and dishonest suits by empowering Courts to award compensatory costs to defendants in fraudulent suits.

Limitation.—The Indian Limitation (Amendment) Act (No. 10) makes it clear that the provisions in certain sections of the Indian Limitation Act, 1908,[2] apply to the period of limitation prescribed by any special or local law unless they are specifically excluded, and that where a special period of limitation is prescribed by a special or local law, s. 5 of the Act of 1908 will not apply, but that otherwise it will automatically apply to all applications.

Income-tax.—The Indian Income-tax Act (No. 11), which takes the place of the Indian Income-tax Act, 1918,[3] and the Indian Super-tax Act, 1920,[4] is based on the report of a committee appointed to make recommendations for the amendment of these Acts, more particularly regarding the assessment of mercantile profits. The Act deals merely with the basis, the methods and the machinery of assessment, and is a purely administrative measure, the provisions of which are set in motion by the annual Finance Bill which determines the rates at which income-tax and super-tax are charged.

Finance.—The Indian Finance Act (No. 12) provides the additional resources in accordance with the budget for 1922–3, and continues certain provisions of the Indian Finance Act, 1921,[5] which otherwise would have ceased to have effect from April 1, 1922.

[1] See *Journal of Comparative Legislation*, New Series, vol. x, pt. ii, p. 309.
[2] *Ibid.*, p. 308.
[3] *Ibid.*,, Third Series, vol. ii, pt. ii, p. 125.
[4] *Ibid.*, vol. iv, pt. iii, p. 126.
[5] *Ibid.*, vol. v, pt. iii, p. 134.

Hospitals.—The Ranchi Mental Hospital Act (No. 13) provides for the incorporation of trustees for the European Hospital for mental diseases at Ranchi and makes provision for other matters in relation thereto.

Press Law.—The Press Law Repeal and Amendment Act (No. 14) was passed to give effect to the recommendations of the committee appointed to examine the Indian Press Act, 1910,[1] the Newspapers (Incitement to Offences) Act, 1908,[2] and the Press and Registration of Books Act, 1867, and to report whether any of these enactments should be repealed or modified, and, if so, to what extent. The Act also makes small alteration in s. 5 (1) of the Press and Registration of Books Act, 1867, with a view to enabling a declaration under the Act to be made at the place of printing, where the places of printing and publishing a paper differ, or at the place of the residence of the printer or publisher, and in order to allow the printer and publisher to appear before the magistrate for the purpose of making a declaration, through an authorized representative.

Ports.—The Indian Ports (Amendment) Act (No. 15) fulfils the obligation of the Government of India on account of the ratification by the Governor-General in Council, on the recommendation of the Indian Legislature, of a draft convention adopted at the Conference of the International Labour Organization of the League of Nations held at Washington on October 29, 1919, so far as it concerns the employment of children in the handling of goods in docks, quays and wharves.

Extradition.—The Indian Extradition (Amendment) Act (No. 16) amends the first schedule of the Act of 1903, by specifying desertion from the Indian State Forces as an extradition offence. This provision was rendered necessary by the abolition of the term "Imperial Service Troops," in consequence of the reorganization of the troops of the Indian States.

Museum.—The Indian Museum (Amendment) Act (No. 17) amends s. 2 of the Act of 1910 by adding the Superintendent of the Archæological Section of the Museum to the list of *ex-officio* members of the Board of Trustees, and substitutes the term "Director, Zoological Survey of India" for the term "Superintendent of the Zoological and Anthropological Section."

Negotiable Instruments.—The Negotiable Instruments (Amendment) Act (No. 18) provides protection for a banker who in good faith receives payment for a customer of a crossed cheque, in the event of the title to the cheque proving defective.

Court Fees.—The Court Fees (Amendment) Act (No. 19) amends s. 4 of the Court Fees Act of 1870 so as to provide for the levy of court fees on appeals from the judgments of one or more judges of a High Court, other than judgments passed in the exercise of ordinary original civil jurisdiction.

Parsi Marriage and Divorce.—The Parsi Marriage and Divorce (Amendment) Act (No. 20) permits the trial of cases under the Act of 1865 to proceed with a lesser number of delegates than that formerly required.

Official Trustee and Administrator-General.—The Official Trustees

[1] See *Journal of Comparative Legislation*, New Series, vol. xii, pt. ii, p. 366.
[2] *Ibid.*, New Series, vol. x, pt. ii, p. 307.

and Administrator-General's Acts Amendment Act (No. 21) amends the Official Trustees Act, 1913, and the Administrator-General's Act, 1913, so as to transfer as a charge on provincial revenues, in a case where a provincial Government exercises the powers of Government under the Act, any liabilities to which the Official Trustee or the Administrator-General may be liable.

Police.—The Police (Incitement to Disaffection) Act (No. 22) is framed on the lines of the English Police Act of 1919, and penalizes attempts to intimidate or to spread disaffection among the members of the Police Force in India. The offence created by the Act is punishable with imprisonment, which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Shipping.—The Indian Transfer of Ships Restriction (Repealing) Act (No. 23) repeals the Act of 1917, which was enacted with a view to preventing transfers to alien interests of ships registered in India at a time when British shipping was almost entirely under control for essential war purposes.

2. ACTS OF THE GOVERNOR-GENERAL.

Acts passed—1.

Indian States.—The Indian States (Protection against Disaffection) Act is the first exercise of the special legislative power which is conferred by s. 67 B of the Government of India Act. The Government of India Act, when setting up the new constitution, reserved, or rather created, a special power of legislation which is vested in the Governor-General to enact legislation where essentially necessary, even if one or both Chambers of the Legislature refuse to enact legislation recommended by the Governor-General. The Government of India, when repealing certain provisions of the Press Act, came to the conclusion that protection against attacks on Indian Princes in books, newspapers, and other documents must be continued. With that object they endeavoured to introduce a Bill giving effect to that decision in the Legislative Assembly. The Legislative Assembly refused leave to introduce the Bill, which brought the position within the purview of s. 67 B of the Government of India Act. Accordingly Government sought leave to introduce a similar Bill in the Council of State, and the Bill was supported by a " recommendation " of the Governor-General. The Council of State granted leave for the introduction of the Bill, which after consideration was passed by that Chamber without a division. In accordance with the provisions of the special procedure the Bill as passed was submitted to the Governor-General, and, after assent by him, became an Act. Sect. 67 B (2) provides that unless a state of emergency exists such an Act does not have effect until it has received His Majesty's assent, and shall not be presented for His Majesty's assent until copies thereof have been laid before each House of Parliament, for not less than eight days on which that House has sat. This procedure was followed, and the Act received the assent of His Majesty by an Order in Council dated March 12, 1923. The Act penalizes the editor, printer or publisher or author of any book, newspaper or other document which brings, or is intended to bring, into hatred or contempt or excites, or is intended to excite, disaffection towards any Prince or

Chief of a State in India, or the government or administration of that State. Comments, however, expressing disapprobation of the measures of any of the foregoing with a view to obtain their alteration by lawful means are excepted from the scope of the offence. Furthermore, no Court can take cognizance of any such offence except upon complaint made by or under the authority of the Governor-General in Council.

3. MADRAS.

Acts passed—7.

Municipalities.—The Madras District Municipalities and Local Boards (Amendment) Act (No. 2) requires existing and future members of municipalities and local boards to make an oath of allegiance to the King. Failure to comply with the provisions of the law within three months vacates the seat of the member who fails to comply.

Tenancy Law in the City of Madras.—The Madras City Tenants' Protection Act (No. 3) was enacted to give protection to tenants who had constructed buildings on other people's land in the city of Madras. The Act provides for payment of compensation on ejectment of such tenants. The rest of the Act deals with the procedure in connexion with suits of this nature, and also provides for the settlement of rents.

Revenue.—The Madras Revenue Recovery (Temporary Amendment) Act (No. 4) makes provision for special facilities for collecting the revenue to meet an emergency, and modifies in that respect the Madras Revenue Recovery Act of 1864.

Court Fees.—The Madras Court Fees (Amendment) Act (No. 5) is a local amendment for the Madras Presidency of the Court Fees Act, 1870. Its main object is to provide for an increase of revenue from this source.

Stamp Law.—The Madras Stamp (Amendment) Act (No. 6) is a local amendment of the Indian Stamp Act, 1899. The object of the Act is the same as the preceding one.

The other Madras Acts passed in 1922 are of local interest.

4. BOMBAY.

Acts passed—14.

Court Fees and Stamps.—Acts 1 and 2 amend locally for the Presidency of Bombay the Court Fees Act, 1870, and the Indian Stamp Act, 1899, with the same object as the corresponding Madras Acts.

Gambling.—The Bombay Prevention of Gambling (Amendment) Act (No. 5), in making changes in the law relating to gambling, enables enhanced punishment to be imposed in the case of second and subsequent offences against s. 4 of the Bombay Prevention of Gambling Act, 1887.

Bombay Municipalities.—The City of Bombay Municipal (Amendment) Act (No. 6) gives a new and enlarged constitution to the Corporation of that city, which now consists of 106 councillors, 80 of whom are directly elected.

Salt.—The Bombay Salt (Amendment) Act (No. 10) penalizes the failure of a salt revenue officer in his duty. Such an officer is punishable

with imprisonment, which may extend to three months, or with fine, which may extend to three months' pay, or with both.

Cruelty to Animals.—The Prevention of Cruelty to Animals (Bombay Amendment) Act (No. 13) amends and strengthens the provisions of the Prevention of Cruelty to Animals Act, 1890.

Cotton Contract.—The Bombay Cotton Contracts Act (No. 14) empowers the Board of Directors of the East India Cotton Association, Limited, with the sanction of the Governor in Council, to make by-laws for the regulation and control of transactions in cotton in the city of Bombay. Contracts contravening a by-law are declared to be void.

5. BENGAL.

Acts passed—7.

Improvement Trust.—The Calcutta Improvement Trust (Amendment) Act (No. 1) amends the existing law so as to allow 15 per cent. on the market value of land acquired for the Calcutta Improvement Trust to be awarded in consideration of the compulsory nature of the acquisition.

Children.—The Bengal Children Act (No. 2) is an instance of a local Act modifying the general law for a particular province in regard to children. The Act largely repeals the Reformatory Schools Act, 1897. The Act provides for the establishment and certification of reformatory and industrial schools for the reception of youthful offenders who may be sent there under the Act. It further provides for the management and inspection of such schools and subsidiary matters of the same kind. The provisions as to youthful offenders are interesting. Persons under the age of sixteen who cannot be brought before the Court are, when arrested, to be released on bail, if tendered, unless the offence is punishable with death or transportation, and may be so released in any case, while girls are in any circumstances to be so released. Where not released on bail youthful offenders are to be detained in some place other than the police station or jail. The parents or guardians of youthful offenders can be required to attend subject to certain conditions in proceedings against their children or wards. Youthful offenders, unless the Court is of opinion that they are so unruly or so depraved as not to be fit persons to be sent to a reformatory school, are not to be sentenced to imprisonment, nor are they in any case to be sentenced to death or transportation. The Act provides for the commitment of youthful offenders to reformatory or industrial schools or for their discharge after due admonition or on commitment to suitable custody on a bond for good behaviour. Parents or guardians of youthful offenders may be required to pay fines imposed on their children or wards. The Act also allows "neglected" children to be sent to industrial schools. The maintenance and treatment of persons in industrial or reformatory schools is dealt with in the Act. The Court is allowed in certain circumstances to require the parents or other persons liable to maintain youthful offenders to contribute to their maintenance. There are further provisions for the boarding out of children and the placing out of youthful offenders or children on licence. Power is given to establish Juvenile Courts. Special penalties for cruelty to young persons are imposed under the Act, as also for causing or abetting the seduction or prostitution of a young girl. Pawnbrokers taking articles in pawn from children are punishable with fine.

Court Fees and Stamps.—Acts 3 and 4 raise the rates of stamps and court fees leviable in the Province of Bengal.

Amusement Tax.—The need of further revenue for provincial purposes has, as has been seen, led to increases in court fees and stamps. The Bengal Amusement Tax Act (No. 5) imposes taxation in new directions. It extends only to Calcutta and its neighbourhood in the first instance. It provides for the levy of a tax, on payment for admission to entertainments, but exempts such payments where they are not more than 8 annas. It provides the necessary machinery for the recovery of the tax, and matters ancillary thereto. The Act further provides for the levy of taxes on certain forms of betting. In the first instance, this is levied by a totalizator tax, being 4 per cent. of all moneys paid into any totalizator by way of stakes or bets. The Act further imposes a betting tax, being 4 per cent. of all moneys paid or agreed to be paid by a licensed bookmaker to a backer in consequence of the winning by the backer of a bet made in the betting enclosure.

6. UNITED PROVINCES.

Acts passed—12.

Aerial Ropeways.—The United Provinces Aerial Ropeways Act (No. 1) contains provisions authorizing, facilitating and regulating the construction and working of aerial ropeways in the United Provinces. The powers under the Act are exercised by the Local Government, which has power to appoint inspectors.

Municipalities.—The United Provinces Municipalities (Amendment) Act (No. 9) amends the provisions relating to municipal franchise and candidature in the United Provinces.

Pre-emption.—The Agra Pre-emption Act (No. 11) consolidates and amends the law in the Province of Agra dealing with pre-emption. It is the result of a long period of investigations into this branch of the law.

District Boards.—The United Provinces District Boards Act (No. 10) repeals and re-enacts with amendments the District Boards Act, 1906.[1] The main amendments in the law are the extension of the franchise, the conferment of powers of local taxation and the elimination of the official element from the membership of the Board.

7. PUNJAB.

Acts passed—11.

Small Towns.—The Punjab Small Towns Act (No. 2) provides for the better administration of small towns in the Punjab. It gives power to the Local Government to constitute a "small town," in which case a town committee for its administration is established. The Act further provides for the constitution of a town fund and for the imposition of taxation by the town committee. Sanitary and other powers may be exercised by the town committee subject to the control of the Local Government.

Village Panchayat.—The Punjab Village Panchayat Act (No. 3) was enacted with the object of fostering and developing local self-

[1] See *Journal of Comparative Legislation*, New Series, vol. xviii, pt. ii, p. 288.

government in the rural areas of the Punjab. It provides for the constitution of panchayats, imposes certain compulsory duties on the panchayat, and enables others to be entrusted to these bodies. Amongst other matters it entrusts the panchayats with the supervision of *patwaris*, or village accountants. It also empowers panchayats to inquire and report into the misconduct of petty officials. The Local Government may invest a panchayat with certain minor criminal and civil judicial powers. A panchayat fund is also constituted and vested in the panchayat, and with the previous sanction of the District Board a village rate may be levied and collected.

Town Improvement.—The Punjab Town Improvement Act (No. 4) makes provision for the improvement and expansion of towns in the Punjab. It provides for the constitution and incorporation of a Town Trust to carry out the provisions of the Act in any town to which the Act may be extended. It provides for the procedure of the Trust. It enables a general improvement scheme to be framed in insanitary areas. It also enables a street scheme providing for improved alinement to be formed and also development, expansion and house accommodation schemes, and contemplates re-housing schemes to provide accommodation for persons who are displaced by any scheme under the Act. The powers and duties of the Trust where a scheme has been sanctioned are also defined and the necessary provision as to acquisition, tribunals and finance are incorporated in the Act.

Simla Houses.—The Simla House and Rent Act (No. 5) is a temporary measure regulating the rents and occupation of houses in Simla.

Sikh Shrines.—The Sikh Gurdwara and Shrines Act (No. 6) was passed in consequence of the disputes which had arisen with reference to the administration of Sikh shrines or gurdwaras in the Punjab. The matter had become of pressing importance owing to violent disturbances of the public peace arising in connexion with these shrines or gurdwaras. The Act gives power to the Local Government to declare any Sikh shrine or gurdwara to be a "disputed" shrine or gurdwara. A gurdwara is defined as "a Sikh place of public worship erected by, or in memory of, or in commemoration of, any incident in the life of any of the ten Sikh Gurus." Where a declaration has been made by the Local Government the gurdwara or shrine must be placed under the administration of a board of commissioners appointed by the Local Government on the nomination of prominent Sikh bodies. All of the commissioners must be Sikhs. The Act goes on to provide for the powers, duties and procedure of the commissioners.

Court Fees and Stamps.—Acts 7 and 8 amend the general Acts dealing with these subjects in the Punjab with the same object of producing more revenue, as has already been mentioned in reviewing similar legislation in other provinces.

8. BIHAR AND ORISSA.

Acts passed—9.

Court Fees.—Act 2 amends the Court Fees Act, 1870, with the same object as has been referred to in the case of local amending Acts in other provinces.

Village Administration.—The Bihar and Orissa Village Administration Act (No. 3) is another attempt to develop the system of local self-government in rural areas, and its provisions are much on the same lines as those of Punjab Act 3 of 1922.[1]

Irrigation.—The Bihar and Orissa Private Irrigation Works Act (No. 5) is intended to secure the repair and maintenance of private irrigation works, to regulate the supply and distribution of water by means of such works, and to facilitate their construction, extension and alteration. The authority through which the Act is administered is the collector. An interesting feature of the Act is that in certain circumstances the management of small irrigation works may be vested in village agencies, *i.e.* a village panchayat, a village headman, or a local village co-operative society.

The Bihar and Orissa Minor Irrigation Works Act (No. 6) provides for the construction, improvement and maintenance by Government of irrigation works on a smaller scale than that contemplated by the provisions of the Bengal Irrigation Act of 1876.

Municipalities.—The Bihar and Orissa Municipal Act (No. 7) is a complete revision of the form of municipal law in force in Bihar and Orissa. The former law was contained in the Bengal Municipal Act, 1884, and its amendments. The most important points of principle in the revision of the law are the delegation of powers previously exercised by the Local Government, the extension of the purposes to which the municipal fund may be applied and the simplification of the assessment and collection of municipal taxation. The Act further amplifies the purposes for which by-laws may be made, and gives additional powers in regard to education. The constitution of municipalities is based on a broader franchise and officials are excluded from holding the post of Chairman or Vice-Chairman.

9. CENTRAL PROVINCES.

Acts passed—3.

Municipalities.—The Central Provinces Municipalities Act (No. 2) is a re-enactment and complete revision of the former Act, which was passed in 1903.[2] The main changes in the law are that the proportion of elected members has been increased, nominated chairmen have been replaced by elected chairmen, the power to impose taxation has been enlarged, while official control in all directions has been reduced.

Education.—The Central Provinces High School Education Act (No. 3) provides for the exercise of the functions formerly performed by the University relating to the preparation of students for admission. The Act constitutes a Secondary Education Board on which representation is provided for those teaching in high schools. The Act follows the lines of the United Provinces Intermediate and High School Education Act.

[1] See *supra*.
[2] See *Journal of Comparative Legislation*, New Series, vol. vi, pt, ii, p. 337.

10. ASSAM.

Acts passed—4.

Court Fees and Stamps.—Acts 2, 3 and 4 make local amendments to the law relating to court fees and stamps in Assam for the same object as has been noticed in the case of other provinces.

11. BURMA.

Acts passed—12.

Criminal Law.—The Burma Criminal Law Amendment Act (No. 2) is intended to cope with pilfering in industrial areas. It only extends to such local areas as may be notified and to such things as may be prescribed. Possession of or dealing with things to which the Act applies which have been stolen or fraudulently obtained is penalized unless the person possessing or dealing is enabled to account satisfactorily for his possession or act. This Act is another example of the inroads the local legislatures are making on the codified criminal law as defined by the Indian Penal Code.

Pilots.—The Rangoon Port (Amendment) Act (No. 3) transfers the control of pilots in the port of Rangoon to the Commissioner of that port.

Rangoon Police.—The Rangoon Police (Amendment) Act (No. 4) amends the main Act and contains two somewhat curious provisions. It enables the Commissioner of Police to deport persons who have been convicted twice for begging from the town of Rangoon and the return of such a person without the written permission of the Commissioner is punishable with imprisonment which may extend to two years or with fine or with both. It further allows security under s. 109 of the Code of Criminal Procedure to be demanded from persons in Rangoon who are reputed to live wholly or in part by importing crippled or diseased beggars or on the proceeds of the beggary of others.

Boycott.—The preamble of the Burma Anti-Boycott Act (No. 5) states that "it is expedient to protect all persons in the exercise of their lawful rights against those who seek to bring improper pressure to bear on them for the furtherance of political purposes." The provisions of the Act are of a distinctly peculiar character. The main safeguard of the individual seems to be that no magistrate may take cognizance of an offence punishable under the Act unless by order or under authority from the Local Government. This Act is yet another instance of the enlargement by a local legislature of the scope of the criminal law contained in the Indian Penal Code.

Rangoon City.—The City of Rangoon Municipal Act (No. 6) is an Act containing 243 sections and 7 schedules which consolidates and amends the law relating to the municipal government of the city of Rangoon.

Midwives.—The Burma Midwives and Nurses Act (No. 10) is a piece of legislation on a subject which has not previously been dealt with by Indian legislative bodies. It is based to some extent upon the provisions of the English Acts of 1905 and 1919 on the same subject. The Act sets up a register of trained midwives and nurses and prohibits

any woman from describing herself as a registered midwife or nurse unless her name is borne on this register. In other words, the Act affords protection to the trained woman, but it does not prohibit the practice of either midwifery or nursing by unregistered women.

Burma Courts.—The Burma Courts Act (No. 11) consolidates and amends the law relating to the Courts in Burma other than the High Court. It is a useful piece of consolidation.

12. REGULATIONS UNDER S. 71 OF THE GOVERNMENT OF INDIA ACT.

Regulations made—6.

Regulations 4 and 5 give special powers to the Chief Commissioners of the North-West Frontier Province and British Baluchistan to deal with suspects. They reproduce provisions originally contained in the Defence of India Rules which were made during the war and would otherwise have expired.

The other Regulations do not call for notice.

13. ORDINANCES UNDER S. 72, GOVERNMENT OF INDIA ACT.

Ordinances made—3.

All three Ordinances made in the year 1922 were necessitated by the outbreak of the Moplahs in Malabar, and deal with the special situation created thereby.

VI. EASTERN COLONIES.

1. CEYLON.

[*Contributed by* L. M. Maartensz, Esq., *District Judge, Colombo.*]

1921.

Ordinances passed—43.

British and Colonial Probate.—No. 7 provides for the recognition in this Colony of probates and letters of administration granted in the United Kingdom and in British possessions.

In the case of British possessions the Ordinance is made applicable to those possessions in which adequate provision is made for the recognition of probates and letters of administration granted by any District Court of Ceylon.

S. 7 extends the application of the Ordinance to any probate or letters of administration granted by a British Court in a foreign country.

Alien Enemies.—By No. 12 a new definition of the term "former enemy alien" is substituted for the definition in s. 2 of the principal Ordinance.

A former enemy alien may not acquire either in his own name or in the name of a trustee any land or any interest in land in the Colony except a tenancy for a period not exceeding three years.

The Governor in Executive Council may by order declare any land or interest in land acquired by an alien enemy forfeited to His Majesty.

Maintenance Orders.—No. 15 facilitates the enforcement in the Colony of Maintenance Orders made in England and Ireland and *vice versa*.

S. 5 empowers a Police Court of the Colony to make provisional orders of maintenance against persons resident in England or Ireland in the absence of that person.

S. 6 empowers a Police Court to summon any person against whom a provisional order is made in England or Ireland to show cause why such order should not be confirmed, and after hearing the party noticed to confirm, vary or rescind such order.

Co-operative Societies.—No. 34 is very similar to the Ordinance No. 7 of 1911,[1] the place of which it takes.

Agriculture.—No. 37 creates a Government Department styled the Department of Agriculture and a Board of Agriculture.

The Department of Agriculture consists of a director and such other officers as may be appointed by the Governor.

The Board of Agriculture is composed of the Governor, the Colonial Secretary, the Controller of Revenue, the Government Agents of certain provinces, the Director of Irrigation, the Director of the Department, two unofficial members of the Legislative Council nominated by the Governor and not more than seventy other persons appointed by the Governor from time to time on the recommendation of bodies recognized as representative of agricultural industries of the Colony, or on the recommendation of the Director.

It is the duty of the Board to advise Government on questions in connexion with agricultural industries referred to it by the Governor or the Director. The Board may also make recommendations in connexion with such questions without previous reference.

Dangerous Animals.—This Ordinance (No. 38) empowers a police magistrate to order the destruction of an animal which he finds on evidence recorded by him to be dangerous and not kept under proper control, or he may, if the owner is ready and able to keep it under control, order the owner to keep the animal under proper control and enter into a bond for any sum not exceeding Rs. 1,000 to carry out the terms of such order.

Enforcement of Judgments.—The objects of the Ordinance (No. 41) are: (1) To provide for the enforcement in the Colony of judgments of the Superior Courts of the United Kingdom and to obtain reciprocal advantages in the United Kingdom; (2) to make provision for similar advantages being granted to and obtained in other portions of His Majesty's dominions.

Labourers.—This Ordinance (No. 43) repeals the provisions of Ordinance No. 11 of 1865 and of Ordinance No. 13 of 1889, which render servants, labourers, journeymen, artificers, employers and employees liable to criminal proceedings in respect of failure to carry out the terms of contracts for hire and service.

The other Ordinances introduced small amendments of no interest.

[1] See *Journal of Comparative Legislation*, New Series, vol. xiii, pt. ii, p. 334.

1922.

Ordinances passed—25.

Public Trustee.—Ordinance No. 1 provides for the appointment of a Public Trustee and amends the law relating to the administration of trusts.

The appointment of a Public Trustee is in the hands of the Governor, and a deputy or deputies may be appointed to assist the Public Trustee.

Ss. 6 to 21 set out the powers, duties, liabilities and immunities of the Public Trustee.

A Public Trustee may be appointed as: (1) an ordinary trustee; (2) as a collector of estates under an order to collect; or (3) as a custodian trustee.

The public revenue of the Colony is liable to make good all sums required to discharge any liability which the Public Trustee, if he were a private trustee, would be personally liable to discharge.

The salaries and expenses of the Public Trustee and his staff are provided for by s. 38.

S. 40 provides for the audit of the trustee accounts. The auditor has the power of a Civil Court to summon and examine witnesses and call for the production of documents.

Treaty of Peace.—The Treaty of Peace (Hungary) Enforcement Ordinance (No. 2) makes provision for giving effect to certain provisions of the Treaty of Peace signed at Trianon.

Municipal Affairs.—The Local Boards (Amendment) Ordinance (No. 3) and the Small Towns Sanitary (Amendment) Ordinance (No. 4) empower Local Boards and Sanitary Boards acquiring land for new streets to acquire in addition the land adjoining which may be necessary for houses and buildings to form the street.

Naturalization.—The Naturalization (Amendment) Ordinance (No. 5) substitutes a new section for s. 6 of the Naturalization Ordinance, 1890. The new section confers on the Governor wider powers in the matter of cancelling Letters Patent of Naturalization.

Maintenance.—Ordinance No. 11 amends the Maintenance Orders (Facilities for Enforcement) Ordinance, 15 of 1921, by the addition of a section empowering the Governor to extend the Ordinance by proclamation in the *Gazette*, to maintenance orders of Courts of any British possession or territory under British possession which enforce orders made by the Ceylon Courts.

Rubber.—The Rubber Restriction Ordinance (No. 24) was introduced to restrict the production and export of rubber. "Rubber" includes marketable rubber prepared from the latex of the rubber plant as defined in the Rubber Thefts Prevention Ordinance of 1908 and the latex of any such plant after coagulation and in any stage of the treatment to which it is subjected during the process of conversion into marketable rubber, and shall include fluid rubber latex, if the Governor in Executive Council so directs.

"Weight of rubber" with reference to fluid latex means weight computed on the basis of three pounds weight to every gallon of such latex.

"Proprietor" means the owner or lessee of an estate, and includes the person for the time being in charge of any such estate and any other duly accredited agent of such owner or lessee.

"Standard production" in respect of an estate means the amount of rubber assessed and determined under the provisions of this Ordinance to be the standard production of rubber of such estate for a period of twelve calendar months, commencing the first day of November in each year.

"Exportable maximum" means the maximum amount of rubber of an estate, the exportation of which at the minimum rate of duty may be authorized in a month. The exportable maximum shall be estimated monthly and shall be taken to be an amount equivalent to 60 per cent. of one-twelfth part of the standard production of an estate.

The Governor in Executive Council may from time to time increase or reduce such percentage.

S. 6 provides for a return by proprietors of estates of the output in weight of rubber for specified periods to enable the Controller to assess the standard production of each estate. The orders of the Controller are subject to appeal to the Rubber Restriction Board.

Ordinances 6 to 10 and 12 to 23 and 25 are amending Ordinances. The amendments are of no particular interest.

2. HONG-KONG.

[*Contributed by* C. G. Alabaster, Esq., K.C., O.B.E.]

Ordinances passed—25.

Police Supervision.—The Police Supervision Ordinance (No. 4) is based to some extent on s. 8 of the Prevention of Crimes Act, 1871 (34 & 35 Vict., c. 112), and provides that where any person is convicted summarily on an indictment and a previous conviction is proved the magistrate or judge may, in addition to any other penalty, order such person to be subject to police supervision. The periods are two years in the case of a summary conviction and seven years where the conviction is on indictment.

Emergency Regulations.—The commencement of the year 1922 witnessed a great deal of political unrest in the neighbouring Province of Kwang Tung and its capital Canton, and this unrest was reflected in Hong-Kong, where a strike of Chinese seamen developed suddenly at the end of February into a politically fomented sympathetic strike of all Chinese in European employ. By the Emergency Regulations Ordinance (No. 5) the Governor in Council was empowered to make regulations. Under this Ordinance regulations were made authorizing a censorship, the taking possession of premises, vehicles, coal, firewood and foodstuffs. These regulations were repealed by the Governor in Council on March 9, when the strike had been settled and the danger had passed.

Aliens on Merchant Ships.—The Merchant Shipping (Aliens Employment) Ordinance (No. 8) is based on ss. 5, 12 and 13 of the Aliens Restriction (Amendment) Act, 1919 (9 & 10 Geo. V, c. 92).

Forgery.—The Forgery Ordinance (No. 11) is based on the Forgery Act, 1913 (3 & 4 Geo. V, c. 27).

Rents Control.—The Rents Ordinance (No. 14) replaced the Rents Ordinances of 1921 and extended the period of control until June 30, 1923; but the Government have since declared their intention to extend it again. It applies only to unfurnished domestic tenements.

Wild Birds and Game.—The Wild Birds Ordinance (No. 15) prohibits the killing or taking of any bird other than game or vermin or the taking of or injuring their eggs or nests. Game may only be taken or killed under licence.

Indemnity.—The Indemnity Ordinance (No. 18) is based on the Indemnity Act, 1920 (10 & 11 Geo. V, c. 48).

Perjury.—The Perjury Ordinance (No. 21) consolidates and simplifies the law relating to that subject on the lines of the Perjury Act, 1911 (1 & 2 Geo. V, c. 6).

Child Labour.—By the Industrial Employment of Children Ordinance (No. 22) the Governor in Council is empowered to make regulations prescribing the conditions under which children under fifteen years of age may or may not be employed in industrial undertakings which are defined in language similar to that employed in the Employment of Women, Young Persons and Children Act, 1920 (10 & 11 Geo. V, c. 65, Sched. Art. 1), but the carriage of coal, building material and debris are added to the list. Agricultural operations are excluded. The regulations made under the Ordinance forbid the employment of children in the dangerous trades of boiler chipping, fireworks manufacture and glass making. Children under the age of 10 years may not be employed in any factory nor those under twelve years in carrying coal, building material or debris. In industrial undertakings nine hours is the maximum day's work for a child, of which not more than five shall be continuous. The hours of child labour are between 7 a.m. and 7 p.m.

3. STRAITS SETTLEMENTS.

[*Contributed by* A. DE MELLO, ESQ.]

Ordinances passed—39.

Extradition and Fugitive Offenders.—Nos. 28 and 29 provide that the powers conferred by the (Imperial) Extradition Acts (1870–1906), and the Fugitive Offenders Acts (1881 and 1915) upon the Governor of the Colony, in the event of his temporary absence from Singapore, the seat of Government of the Colony, may be exercised by the Deputy-Governor. Inconvenience and delay had previously been caused by the strict interpretation of the term "Governor" not permitting of the delegation of such powers.

Inventions.—Following the Patents and Designs Act, 1919 (9 & 10 Geo. V, c. 80), this Ordinance (No. 24) amends the Inventions Ordinance of 1871 (now called Ordinance No. 15) by increasing the term of future and unexpired grants of exclusive privileges (patents) from 14 years to 16 years, and reduces the term of extension from 14 years to 10 years.

Restriction on Export Rubber.—No. 25 is one of the most important pieces of legislation passed during the year. It was due to the recommendations of the Commission of Inquiry, known as the "Stevenson Commission" appointed by the Secretary of State, with a view to rescuing the rubber planting industry from the depression it had fallen into during the two previous years. The Ordinance, with a view to raising the price of rubber, seeks to check production on each and every holding or plantation by imposing an export-duty graduated on the standard production of that holding and the average market-price obtain-

able for rubber during any quarter. Rules framed under the Ordinance furnish a sliding scale of duty, and the means by which the same is to be enforced, collected and applied to the purposes of the Ordinance.

There has been considerable agitation against this measure on the part of manufacturers of finished rubber goods in America and the United Kingdom, but the salutary effects of the enactment have already begun to be felt, in so far as raw rubber has, since November 1922, when the Ordinance came into force, more than doubled in market value, and has contributed in no small degree to a fairly general revival in trade, of which it formed an important factor, in the Malay Peninsula. A similar enactment (No. 19) has been passed in the Federated Malay States (see p. 151).

4. FEDERATED MALAY STATES.

[*Contributed by* A. DE MELLO, ESQ.]

Enactments passed—28.

Co-operative Societies.—No. 7 makes provision for the registration of Co-operative Societies. It follows closely the Indian Co-operative Societies Act of 1912,[1] which was in itself an improvement on a former Act of 1904, and is believed to have worked so well that few suggestions for amendment have been put forward. It provides for the constitution, registration and management of societies, for the shares and interest of members, for special liens in favour of societies, for audit, inspection and inquiry into their working, and for their dissolution.

Land Acquisition.—No. 20 assimilates the law of the Federated Malay States in regard to the acquisition of land to the law on the subject in force in the Colony (Ordinance No. 28 of 1920).

The purposes for which land may be resumed are specified in s. 3 of the enactment and the provisions of Part VII (ss. 45 to 49) of the Colonial Ordinance, regarding acquisition for a company, have been incorporated in this section. The remainder of the enactment prescribes the manner in which the acquisition is to be effected. The *Gazette* notification declaring that land is required for a public purpose is conclusive evidence that the land is so required.

The existing procedure for the assessment of compensation in the case of a dispute is by arbitration, with an appeal to the Court of a Judicial Commissioner. Under this enactment, an award will be made by the Collector in all cases, not, as now, only when all parties are in agreement as to the amount. The enactment differs here from the Colonial Ordinance in making the award of the Collector final where the claim does not exceed $500, and in providing an alternative form of appeal, which may be to the Commissioner or Court at the appellant's option, the intention being that a cheap form of appeal should be available for persons of limited means.

The table of matters which the Court is to take into consideration in assessing the amount of compensation is revised, and the principle of betterment recognized.

Finally, it is provided that the Government shall not withdraw after once taking possession of land, which provision seems fairer to the

[1] *Journal of Comparative Legislation*, New Series, vol. xiv, pt. 1. p. 70.

owner than the one hitherto prevailing whereby withdrawal was permissible at any time before an award had been made by the Court.

Official Secrets.—The Official Secrets Act, 1911 (1 & 2 Geo. V, c. 28), and the amending Act of 1920 (10 & 11 Geo. V, c. 75), apply *proprio vigore* (*vide* s. 10 of the former Act) to the Colony of the Straits Settlements, but not to Protected States; and this enactment (No. 15) has been designed to apply to the Federated Malay States such provisions of those Acts as appear to be required by local conditions. The enactment incorporates ss. 1, 2, 3, 6, 7, 8, 9 and 10 of the Act of 1911, and ss. 1, 2, 3, 6, 7, and 8 of the amending Act of 1920.

Restriction on Export of Rubber.—Prepared, like the parallel Ordinance No. 25 of the Straits Settlements, on the instructions of the Secretary of State, to enable the Government to restrict the export of rubber, No. 19 is in itself only an enabling Bill, and all matters of detail are dealt with in rules made under it.

Valuation of Land.—No. 21 establishes the machinery for a valuation of land and determines the uses to be made of such valuation. The form of the enactment is that of New South Wales Act No. 2 of 1916, adapted to local conditions.

The enactment provides for the appointment of a "Valuer-General," who is to make a valuation of the improved, unimproved and annual values of land within each valuation area. There is an appeal from his valuation to the Court of a Judicial Commissioner, sitting with assessors where the valuation exceeds $5,000, and a further appeal, in certain circumstances, to the Court of Appeal. The valuations so ascertained are to be used as a basis for rating, for payment of estate duty, and for compensation for acquisition.

5. MAURITIUS.

[*Contributed by* H. W. PRICHARD, ESQ., *Procureur-General.*]

1921.

During the year 1921 thirty-six Ordinances were passed by the Council of Government and assented to by the Governor; of these the following are the most important, or otherwise require special notice:

Customs.—No. 5 compels agents of vessels and consignees of goods to use despatch in clearing goods, and so help to relieve the congestion of the port and of the Customs. Article 2 was introduced on the suggestion of the Chamber of Commerce, because the Dock Companies refused to hold themselves any longer liable for the safe custody of goods landed on the wharfs. Article 3 inflicts a fine that works automatically and which is intended to compel consignees to remove their goods. Article 4 gives power to the Collector of Customs, in case fines are not settled, to sell the goods by auction, and out of the proceeds to retain an amount equivalent to the fine imposed by him.

Crown Lands.—Article 2 of No. 6 introduces a new schedule which differentiates rivers and rivulets. This classification is essential under the law as rivers have to be given a 50 feet reserve while rivulets have only a reserve of 25 feet.

Motor Vehicles.—No. 8 consolidates and brings up to date the law of Motor Vehicles. One of the main features of the Ordinance is the

institution of a system of registration for chauffeurs. It is only after chauffeurs have been passed as fit and registered by the Inspector-General that licences are issued to them by the Receiver-General. The law has been made much more stringent in view of the increasing number of accidents caused by inexperienced drivers.

Registration.—No. 10 imposes a tax on the transfer of stocks in trade.

Weights and Measures.—No. 12 dispenses the Receiver-General from the obligation of providing the Courts with standard sets of weights and measures, and makes a certificate from an Inspector of Weights and Measures *prima facie* evidence of the correctness of any measure of length or capacity or of any weight.

Municipality.—No. 17 carries into effect the recommendations of Dr. Balfour in transferring from the Municipality to Government all control over sanitary matters in general. It was thought advisable to include roads, etc., because the Corporation of recent years had shown themselves quite incapable of road making or mending, and the insanitary state of the streets with its attendant dust was considered to be one of the main causes of the excessive mortality of Port Louis.

Common Lodging Houses.—No. 18 transfers the control over the common lodging houses of Port Louis from the Municipality to Government and is a corollary to Ordinance No. 17 of 1921.

Penal Code.—No. 28 is directed against sedition. It has been modelled on the Trinidad Ordinance No. 10 of 1920.[1] The innovations are the power given to the Police Authorities to search for seditious literature and the power vested in the Courts of suspending newspapers on conviction for publishing seditious matter.

Harbour Dues.—No. 35 imposes a tax of $7\frac{1}{2}$ cents per net register ton on all vessels entering the harbour, in order to provide for the upkeep of the Wireless Station by the Colonial Government, instead of as heretofore by the Admiralty.

Registration Duties.—No. 36 brings the scale of duties on donations *inter vivos* and on partitions between ascendants and descendants into line with the scale of duties on successions as enacted by the Succession Duties (Amendment) Ordinance, 1914, and thus checks transactions in the form of disguised donations *inter vivos* which are a cause of loss to the revenue.

1922.

During the session of 1922 forty-one Ordinances were passed by the Council of Government and assented to by the Governor; of these the following are the most important or otherwise require special notice:

Road Traffic.—No. 7 contains a number of provisions dealing with the regulation of traffic on roads, and at fires, and also with lights, obstructions, etc.

Labour.—The main object of No. 12 is to repeal the penal clauses of the Labour Ordinance of 1878. It is a substantive enactment repealing previous Ordinances as a whole and forming a sort of Code of the existing Labour Law.

All the penal clauses of the previous Laws whether affecting employer or labourer have been omitted. The only clauses of a penal nature

[1] *Journal of Comparative Legislation*, Third Series, vol. iv, pt. iii, p. 172.

which have been retained are for offences not connected with work, *e.g.* for giving false evidence (articles 156 and 174), or insulting a Magistrate (article 176), or assaulting an Officer of the Court (article 177).

Article 71 was introduced to penalize employers guilty of crimping.

In view of the abolition of the penal clauses, it was necessary to find a means of compelling employers to carry out certain of their duties to their servants, *e.g.* in providing hospitals, etc. Article 135 consequently provides for the withdrawal of the hospital certificate, and, if necessary, the removal of the servants from the estate at fault. Further, article 110 renders it obligatory on all employers to provide medical care for their servants.

Under article 84 Contracts of Service are to be subject to the Civil Law of the Colony, and under article 158 all disputes and actions in damages with regard to a breach of contract fall within the jurisdiction of the stipendiary magistrate.

To meet the wishes of the Government of India, article 79 has been introduced giving the Protector of Immigrants a discretion to repatriate to India any immigrant on reasonable grounds. All references (which appear in the old Ordinances) to the obligation of industrial residence or redemption of industrial residence, or to contracts made in India for service in Mauritius (which savour rather of the old system of indenture) have also been omitted, in order to fulfil the desire of the Indian Government that immigrants on their arrival in Mauritius should be, in all respects, free men with complete freedom of contract.

Liquor.—No. 16 enables Government to deal with the question of intoxicating liquor as a whole. It is modelled on the Ceylon Excise Ordinance of 1912 (No. 8 of 1912) which has been adapted to suit local conditions. Intoxicating drugs are not included as provision has already been made for them under existing legislation.

In the Ceylon Ordinance the Governor, either alone or in Executive Council, is empowered to do various acts by notifications; in the Mauritius Ordinance provision has been made for dealing with these matters by means of regulations. By article 19 all regulations must be laid on the table of the Council and in accordance with the provisions of article 29 of the Interpretation and Common Form Ordinance, 1898, an opportunity is thereby offered to the members of the Council to discuss fully such regulations before they become law. The procedure laid down in s. 31 (1) of the Ceylon Ordinance of confirming rules by a resolution of the Council, was therefore considered unnecessary and has not been reproduced.

The provisions of the Ceylon Ordinance referring to "Establishment and Control" and to "duties on excisable articles" have been omitted, as they are sufficiently covered by existing legislation.

Licences.—No. 17 introduces a number of amendments in the licensing laws in so far as they deal with intoxicating liquor. The passing of the Liquor Ordinance, 1922, necessitated changes in the Licensing Ordinances so as to render the whole law uniform and consistent.

Distilleries.—No. 18 assists in carrying into effect the policy of Government to render intoxicating liquor weaker, dearer and more difficult to obtain.

Maintenance (Facilities for Enforcement).—No. 20 amends the Maintenance Orders (Facilities for Enforcement) Ordinance, 1920 (No. 58 of 1920) in providing for the extension of such Ordinance to any other

Colony or Dominion which might be willing to enter into reciprocal relations with Mauritius in the matter.

Opium.—The object of No. 21 is :

(*a*) To render illegal the importation or exportation of raw opium ;

(*b*) To impose penalties on persons found in possession of prepared opium ; and

(*c*) To prohibit opium smoking altogether except in the case of persons undergoing treatment for the opium habit.

Article 9, paragraph (1) makes opium smoking an offence. It is copied from s. 5 of the Dangerous Drugs Act, 1920 (10 & 11 Geo. V, c. 46). Paragraph 2 exempts from the operation of the article patients undergoing treatment under the control of the Director of the Medical and Health Department, for the opium habit.

Merchant Shipping.—No. 23 amends article 12 of Ordinance No. 19 of 1910 and so brings foreign steamers proceeding to sea with more than twelve passengers from any port in the Colony or in the Dependencies to any other port whatsoever, within the scope of Article 13 of that Ordinance.

Reciprocal Enforcement of British Judgments.—No. 24 embodies the provisions of Part II of the Administration of Justice Act, 1920 (10 & 11 Geo. V, c. 81).

Destruction of Mosquitoes.—No. 25 makes better provision for the destruction of mosquitoes, and is modelled on Articles 137, 139, 140, 142 and 143 of the Public Health Ordinance, 1921, of Kenya Colony.

Firearms.—Until the passing of the Gun Ordinance (No. 36), there was no legislation in Mauritius dealing with firearms. The main idea of the Ordinance, which is modelled on the Firearms Act, 1920 (10 & 11 Geo. V, c. 43), is to require that a permit shall be obtained in all cases for possessing, carrying or dealing in guns and that a small licence shall be paid by permit holders, no charge being made for the permit.

Profiteering.—In view of the frequency of appeals to the Supreme Court on the question of the kind of goods which could be said to be in common use by the public, it was considered advisable to follow the English Profiteering Act, 1919 (9 & 10 Geo. V, c. 66, s. 1 (7)), in placing the matter in the hands of the Executive. This has been effected by article 2 of No. 40, the Governor in Executive Council being made to occupy the position of the Board of Trade in England.

Articles 3 and 4 render more drastic the punishment for the offence of profiteering. The taking out of a licence being a condition precedent to every form of trading in the Colony (Licences Consolidating Ordinance, 1915, article 26), it was thought that these clauses might exercise a very effective check.

6. STATE OF NORTH BORNEO.

[*Contributed by* C. F. C. Macaskie, Esq.]

During the year 1922 two Ordinances only, both amending Ordinances, were passed by the Legislative Council ; one dealt with the stamping of documents and the other with land. The only amendments of general interest were provisions that applications for rectification of title, if based upon native custom and claims to succession to native land, should be referred to the Native Courts for decision.

Labour.—In addition to the Ordinances mentioned above, rul s of some interest were promulgated under the Labour Ordinance (No. 9 of 1916). The punishment of whipping was abolished for all offences under the Ordinance, except breach of a contract to labour with the knowledge that the probable consequences of such breach would be the cause of riot or danger to life or property. Other rules were passed to ensure that indigenous native labourers on estates should return to their villages each year. The migration of young male natives, lured by the somewhat meretricious attraction of regular monthly wages, to estates was found to be exercising a detrimental effect upon village cultivation and also upon the natives themselves, who too often lost touch with their village life and relationships. To remedy these evils rules were passed requiring employers of twenty or more labourers to obtain licences to employ native labourers, and these licences are granted subject to the condition that the employer shall cease to employ for a period not exceeding three months any native who may be required by his village headman to return to his village.

7. SEYCHELLES.

[*Contributed by* WYNDHAM L. GRECH, ESQ., LL.D., *Acting Legal Adviser.*]

Ordinances passed—14.

Judicial.—The Reciprocal Enforcement of British Judgments Ordinance (No. 2) provides for the reciprocal enforcement of judgments and awards in Seychelles and in the United Kingdom and other parts of the British Empire when the latter shall have made reciprocal provisions in favour of the Colony.

The Maintenance Ordinance (Reciprocal Enforcement) Ordinance (No. 3) was passed with a view to facilitate the enforcement in Seychelles of Maintenance Orders made in the United Kingdom and other parts of the British Empire when the latter shall have extended the same facilities to the Colony. This Ordinance also provides for the transmission of orders made by the Court of the Colony to be enforced in those parts where reciprocity exists. Rules of Court were made under both Ordinances.

The Notaries Amendment Ordinance (No. 5) allows a person qualified as a Notary in Mauritius to be appointed a Notary in Seychelles and abolishes all distinction between local candidates and others.

Political.—The Political Prisoners Detention Ordinance (No. 1) was passed on the occasion of the deportation of Egyptian political prisoners to this Colony.

Agricultural.—The Plant Pests Control Ordinance (No. 11) gives wide powers to the Governor and to the head of the Agricultural Department with a view to prevent and cure plant pests. The powers given include the proclamation of a pest, the declaration of an infected area, the forced treatment of pests and the prohibition of the transport of plants from one island to another within the Archipelago. There is also a power to prohibit the importation of certain plants.

Medical.—The Leprosy Amendment Ordinance (No. 12) amends the Leprosy Ordinance of 1909 and prohibits lepers from taking part in any trade or occupation in which they could come into contact with any

article of food or clothing meant for other people. They are also prohibited from selling articles handled by them, keeping animals or birds for the purpose of selling the same as food, entering shops and other public places, washing in rivers or streams and throwing articles used by them into rivers or streams. A leper contravening may be removed to the Asylum.

Administrative.—The Public Health Amendment Ordinance and the Local Board Ordinance (Nos. 6 and 7) assigned different powers and duties to the Health Committee and the Local Boards.

VII. WEST AFRICA.

1. GAMBIA.

Ordinances passed—31.

Pensions.—The European Officers' Pensions Ordinance (No. 24) is identical with the Ordinance of the same title passed in the Gold Coast (No. 5).[1]

Maintenance Orders.—No. 9 extends the application of the principal Ordinance (10 of 1921) [2] to any other British possession which has made reciprocal provisions.

Food and Fuel.—No. 11 authorizes the Controller of Food and Fuel, an officer appointed by the Governor, to regulate the landing of controlled articles imported into the Colony, and the sale, distribution, use and consumption of controlled articles. The definition of "controlled articles," as amended by No. 15, is given as including "any grain, article of food or drink, coal or other fuel, mineral oil and other oil or spirit which may be used for fuel, and which has been declared by the Governor to be controlled by notification published in the *Gazette*."

Enforcement of Judgments.—No. 12 makes provision for the reciprocal enforcement of judgments obtained in the Gambia and in the United Kingdom, and in other parts of His Majesty's Dominions and territories.

Palm Kernels.—No. 16 abolishes the export duty on palm kernels.

Aliens.—By No. 18 the Police Magistrate may order the deportation of vagrant aliens.

Domestic Servants.—No. 21 provides for the registration and licensing of domestic servants.

Profiteering (Rent).—No. 22 is an Ordinance to restrict the increase of the rent of small dwelling-houses in the town of Bathurst.

Post Office Savings Bank.—No. 30 grants facilities for depositing small savings at interest with the security of the revenue of the Colony for due repayment thereof.

Official Secrets.—No. 31 applies the provisions of the Imperial Act, 10 & 11 Geo. V, c. 75,[3] to the Protectorate of the Gambia and repeals the Official Secrets Ordinances, 1913 and 1921.

[1] See p. 157.
[2] See *Journal of Comparative Legislation*, Third Series, vol. v, pt. iii, p. 150.
[3] *Ibid.*, vol. iv, pt. ii, p. 10.

2. GOLD COAST.

[*Contributed by* R. W. H. Wilkinson, Esq.]

During the year 1922 thirty-six Ordinances were passed by the Legislative Council, of which the following are those of more general interest:

Judgments.—The British Judgments Ordinance (No. 1) is complementary to Part II of the Administration of Justice Act, 1920, of the Imperial Parliament (10 & 11 Geo. V, c. 81).[1]

S. 6 empowers the Governor in Council to extend the application of the Ordinance to judgments of the Superior Courts of other parts of the British Empire and of British mandatory spheres in cases where the Legislatures of such parts or spheres have made reciprocal provisions for the enforcement therein of judgments of the Supreme Court of the Gold Coast Colony.

Loan and Inscribed Stock.—The General Loan and Inscribed Stock Ordinance (No. 3) repeals the pre-existing General Loan and Inscribed Stock Ordinance (c. 112), and substitutes the new provisions which have been laid down uniformly for Crown Colonies by the Secretary of State.

Pensions.—The European Officers Pensions Ordinance (No. 5) legalizes the new pensions scheme for European officers which recently has been laid down uniformly for British West Africa by the Secretary of State.

Kola Nuts.—The Kola Nuts Export Duty (Repeal) Ordinance (No. 8) abolishes the export duty on kola nuts.

Survey.—The Survey Ordinance (No. 9) replaces the pre-existing Survey Ordinance (c. 88) and substitutes an enactment more adapted to modern needs.

S. 4 prohibits persons other than Official or Licensed Surveyors from certifying plans.

Ss. 10, 11 and 12 provide for the registration of Licensed Surveyors and for the maintenance of an official record of their services and conduct.

Ss. 14 and 15 provide for the official supervision of the work of Licensed Surveyors.

Most of the remaining sections of the Ordinance tally in substance with the corresponding sections of the pre-existing Survey Ordinance.

Palm Kernels.—The Palm Kernel Export Duty (Repeal) Ordinance (No. 22) abolishes the export duty on palm kernels.

Prevention of Crime.—The principal purport of the Prevention of Crimes Ordinance (No. 24) is to introduce the system whereby certain convicts due for discharge from prison under the mark system are released, not absolutely, but on licence. The conditions regulating the operation of the licences are set forth in the form of licence appearing in the Schedule to the Ordinance and also in ss. 4, 5, 6 and 7 of the Ordinance. The definition of the term "convict" in s. 2 limits the operation of the system to male prisoners convicted of offences against property or proprietary rights.

S. 8 supplies the machinery for dealing with persons sentenced under s. 83 of the Criminal Code to police supervision.

[1] See *Journal of Comparative Legislation*, Third Series, vol. iv, pt. ii, p. 12.

Ss. 9, 10 and 13 strengthen the powers of the police in dealing with criminals and crimes and in preventing crimes.

S. 14 removes certain restrictions which at present exist under the Criminal Code (but not in English law) limiting the right of putting the Court in possession of a prisoner's previous criminal antecedents.

The Ordinance, *inter alia*, adapts for the Colony certain of the provisions of the Prevention of Crimes Act, 1871, of the Imperial Parliament (34 & 35 Vict. c. 112).

Concessions.—The purport of the Concessions Amendment Ordinance (No. 27) is to avoid concessions which have not been filed in the Concession Court within six months of their date or which have not thereafter been proceeded with to certification as valid within two years from their date; the Governor being given a discretionary power to extend the latter period where sufficient reasons for the delay are made out to his satisfaction.

Girl Guides.—The Girl Guides (Incorporated) Ordinance (No. 28) makes statutory provisions for the more assured exercise of the activities of the Girl Guides (Incorporated) in the Colony, and also guards against certain abuses which might possibly arise in connexion therewith.

S. 3 prohibits the unauthorized public use of the uniform and other equipment of the Association.

S. 4 prohibits Girl Guides from enforcing or exercising authority otherwise than as authorized by by-laws or Orders of the Association.

S. 5 prohibits the unauthorized organization of any body improperly passing themselves off as Girl Guides or as otherwise associated with the Girl Guides (Incorporated).

Sales by Auction.—The Sales by Auction Ordinance (No. 29) repeals the pre-existing Sales by Auction Ordinance (c. 159), an old enactment of 1878, and re-enacts it in an improved form and with certain minor modifications.

The principal modifications are as follows:

(1) The Inspector-General of Police is constituted the licensing authority in place of the Comptroller of Customs;

(2) An auctioneer's licence is made by s. 5 to be valid throughout the Colony, and not, as has hitherto been the case, valid in one Province only;

(3) The licence fees are fixed at £20 for a yearly licence, and £12 for a half-yearly licence; and

(4) The distinction between licences with privilege of agents and licences without privilege of agents is done away with.

The Ordinance carries out certain recommendations made by the local Committee on municipal affairs.

Bremen Mission.—The Bremen Mission, Ordinance (No. 30) makes, with respect to the property and to the missionary and educational activities of the Bremen Mission, a provision similar to that already made in respect of the Basel Mission by Chapter 69 of the Gold Coast Ordinances, in accordance with Article 438 of the Treaty of Versailles.

Pensions.—The Public Officers Pensions Ordinance (No. 31) is complementary to the European Officers Pensions Ordinance, 1922 (*ubi supra*, No. 5 of 1922), and legalizes the new pensions scheme for African Officers, which has recently been laid down uniformly for British West Africa by the Secretary of State.

(i) Ashanti.

Ten Ordinances were enacted with respect to Ashanti in 1922, several of which were enacted for the purpose of applying to Ashanti various Ordinances of the Gold Coast Colony.

Golden Stool.—The Chief Esubonten (Detention and Deportation) Ordinance (No. 6) provides for the deportation from Ashanti of Kobina Esubonten, one of the delinquents concerned in the desecration of the Golden Stool of Ashanti which took place in 1921.

Concessions.—The Ashanti Concessions Amendment Ordinance (No. 9) imports into Ashanti the provisions of ss. 21, 22 and 23 of the Concessions Ordinance (c. 87) of the Gold Coast Colony; the object of which is to prevent excessive areas of land being held under the Concessions Ordinance in a single interest.

(ii) Northern Territories.

Four Ordinances were enacted with respect to the Northern Territories of the Gold Coast in 1922, three of which were enacted for the purpose of applying to the Protectorate various Ordinances of the Gold Coast Colony.

None, however, is such as to call for special comment.

3. NIGERIA.

Ordinances passed—74.

Maintenance Orders.—No. 4 extends the application of the principal Ordinance (No. 8 of 1921) to any other British possession which has made reciprocal provisions.

Former Enemy Aliens.—By No. 16 former enemy aliens are prohibited, during the period of three years from the coming into force of the Ordinance, from landing in Nigeria by land, sea or air, unless in possession of a signed permit from the Chief Secretary to the Government giving permission.

Enforcement of Judgments.—No. 8 makes provision for the reciprocal enforcement of judgments obtained in Nigeria and in the United Kingdom and in other parts of His Majesty's Dominions and territories.

Treaty of Peace.—The Enemy Debts (Hungary) Ordinance (No. 14) applies to Nigeria the Imperial Order in Council dated August 10, 1921, giving effect to certain sections of Part X of the Treaty of Peace with Hungary.

Public Officers' Pensions.—No. 20 legalizes the new pensions scheme for African Officers which has recently been laid down uniformly for British West Africa by the Secretary of State.

Boy Scouts.—No. 21 makes provisions for the furthering and protection of the activities and interests of the Boy Scouts' Association in Nigeria. S. 3 prohibits the unauthorized public use of the uniform and other equipment of the Association. S. 4 prohibits the personation by a boy scout of any person employed in the public service. S. 5 prohibits the unauthorized organization of any body falsely claiming to be Boy Scouts or otherwise connected with the Boy Scouts' Association.

Prevention of Crimes.—No. 25 is passed for the more effectual preven-

tion of crime. S. 3 provides that persons twice convicted, in addition to any other punishment, may be subjected to police supervision for a period not exceeding five years from the expiration of the sentence passed for the last of such crimes. By s. 5 any person, occupying or keeping a lodging-house, licensed premises, place of public entertainment or resort, who knowingly lodges or harbours thieves therein, or knowingly permits the deposit therein of stolen goods, is deemed guilty of an offence, and penalties are prescribed therefor. S. 6 provides for the making of Regulations by the Governor in Council for the registration and photographing of criminals, etc., and for the taking of finger-prints by any authorized person.

Drugs and Poisons.—No. 30 adds " Veterinary Surgeons " to the list of persons authorized to withdraw opium from store.

Arms and Ammunition.—No. 38 repeals the Arms Ordinance, 1917, and brings into operation in Nigeria the Traffic in Arms Convention signed at St. Germain-en-Laye, September 10, 1919, and makes provision for the regulation of matters relating to arms and ammunition.

Patents.—No. 40 amends No. 30 of 1916 by the addition of a section giving protection from the date of the receipt of the petition with the proviso that an applicant shall not institute proceedings for infringement until a patent for the invention has been granted to him.

Post Office. — No. 42 provides for the inspection of postal matter suspected to be, or to contain applications for advertisements, of a fraudulent nature, and for its disposal if so found.

Colonial Treasury Bills.—No. 46 authorizes the borrowing of money by the Government of the Colony of Nigeria by the issue of Treasury Bills in London.

Aliens.—No. 52 gives power to the Governor in Council to make an order requiring the deportation of an alien in either of the following cases:

(*a*) If it is certified to the Governor in Council by a Judge or Commissioner of the Supreme Court that an alien has been convicted by the Court of any offence punishable by imprisonment without the option of a fine, and that the Court recommends that a deportation order should be made in his case either in addition to or in lieu of sentence.

(*b*) If the Governor in Council deems it to be conducive to the public good to make a deportation order against any alien.

S. 7 sets out the cases in which recommendation for deportation shall not have effect.

Companies.—No. 54 is a consolidating measure for the incorporation, regulation and winding up of Trading Companies and other associations, and repeals the Companies Ordinance (No. 8 of 1912 of Southern Nigeria) and the Companies Ordinance (Amendment and Extension) Ordinance (No. 66 of 1917). The Ordinance comprises 243 sections and schedules, and is divided into eight parts, viz. Part I, Constitution and Incorporation; Part II, Distribution and Reduction of Share Capital, Registration of Unlimited Company as Limited and Unlimited Liability of Directors; Part III, Management and Administration; Part IV, Winding up; Part V, Registration Office and Fees; Part VI, Winding up of Unregistered Companies; Part VII, Companies established outside Nigeria; and Part VIII, Supplemental.

Bills of Sale.—No. 63 makes provision with regard to the application in Nigeria of the Bills of Sale Acts, 1878 and 1882 (41 & 42 Vict. c. 31 and

45 & 46 Vict. c. 43) as amended by the Bills of Sale Acts, 1890 and 1891 (53 & 54 Vict. c. 53 and 54 & 55 Vict. c. 35).

West African Frontier Force.—Nos. 73 and 74 consolidate and amend the law relating to the West African Frontier Force and the West African Frontier Force Reserve, which constitute His Majesty's Colonial forces recruited and established in Nigeria.

4. SIERRA LEONE.

Ordinances passed—25.

Pensions.—The Non-European Officers' Pension Ordinance (No. 12) is identical with the Public Officers' Pensions Ordinances of Nigeria (No. 20) [1] and the Gold Coast (No. 31).[2]

Palm Kernels. — No. 11 abolishes the differential export duty on Palm Kernels.

Colonial Treasury Bills. — No. 19 is passed to enable the Colonial Government to borrow money by the issue of Treasury Bills in London.

Post Office.—This Ordinance (No. 20), passed to prevent the use of post offices in connexion with business or transactions of a fraudulent nature, is identical with No. 42 of Nigeria.[3]

Lunacy.—By No. 21 the Governor has power to declare the whole or part of any building an asylum. It also provides that, where anyone is willing to take charge of a person detained in a lunatic asylum, the Governor may order the discharge of such person, whether such person be recovered or not, or allow him to be absent from the asylum on trial for such period as the Governor may think fit. Should the person absent on trial fail to return at or before the expiration of the period of absence, he may, after such period, be retaken as if he had escaped from the asylum. The Director of Medical and Sanitary Services, or any medical officer appointed by him, may at all reasonable times examine a person who is absent on trial, and for this purpose may enter any building in which such person may be. Persons discharged or absent on leave may be reconfined under the principal Ordinance.

VIII. EAST AFRICA.

1. NYASALAND PROTECTORATE.

[*Contributed by* C. F. Belcher, Esq., M.B.E., *Attorney-General.*]

Ordinances passed—18.

Reciprocal Enforcement of Judgments (No. 3).—S. 3 enables a judgment of a Superior Court in the United Kingdom to be registered, if certain conditions are fulfilled, in the High Court of Nyasaland, and thereafter proceeded upon as if it were a local judgment. Conversely (s. 4), the holder of a judgment in the High Court may obtain a certified copy of his judgment and thus place himself in a position to take advantage of the provisions of Part II of the Administration of Justice Act, 1920

[1] See p. 159. [2] See p. 158. [3] See p. 160.

(10 & 11 Geo. V, c. 81), and enforce his judgment in the United Kingdom. The most important qualification is contained in s. 4, which, corresponding as it does to s. 10 of the Imperial Act, makes proof that the judgment debtor is resident in the United Kingdom necessary to the obtaining of a certified copy of the local judgment. S. 6 enables the extension of the Ordinance to other parts of the British dominions where reciprocal provisions have been made, including mandated territories. So far this has only been done in the case of Seychelles (June 25, 1923).

Judgments Extension.—The Judgments Extension Ordinance, 1912, enabled decrees obtained in any High Court or Subordinate Court in East Africa, Uganda, Northern Rhodesia or Zanzibar to be transferred to the High Court of Nyasaland. The present Ordinance (No. 4) adds the Courts of Tanganyika, and the Courts of the Sultan of Zanzibar, to those of which decrees may be so transferred, and by s. 5 the powers given by the principal Ordinance for the extension of its provisions to other British dominions are widened so as to include mandated territories.

Registration of Business Names.—By this Ordinance (No. 7) the provisions are reproduced of the Registration of Business Names Act, 1916 (6 & 7 Geo. V, c. 58), with but slight alterations to suit local needs. Non-European names are to be accompanied by the name of the individual's father (s. 5 *f.*). The Governor exercises the powers which in the United Kingdom rest with the Board of Trade (ss. 12, 18, 19), and he has by s. 15 (1) the further power to extend the time for giving of certain notices. There is only one Register, and the Registrar of Companies (whose office is at Blantyre) is Registrar for purposes of the Ordinance.

Treasury Bills.—This Ordinance (No. 11) enables the local Government, when so authorized by resolution of the Legislative Council, to borrow money either in London or locally by the issue of Nyasaland Treasury Bills. The money so raised is to be a charge on the general revenues and assets of the Protectorate (s. 3). Bills are to be in multiples of £1,000 and payable not later than one year from issue (s. 5).

Official Secrets.—No. 13 incorporates in the Official Secrets Ordinance, 1913 (No. 3 of 1913), which reproduced the Official Secrets Act, 1911 (1 & 2 Geo. V, c. 28), the amendments to the latter contained in the Official Secrets Act, 1920 (10 & 11 Geo. V, c. 75).

Motor Traffic.—S. 2 of the amendment (No. 14) enables motor-cars visiting Nyasaland from the neighbouring countries of Portuguese East Africa and Northern and Southern Rhodesia (and other countries if gazetted) to obtain free of cost a temporary local registration, and by s. 3 a temporary plate may be issued which will be deemed to comply with the provisions of the principal Ordinance (No. 10 of 1920) as to marks.

Diseases of Animals.—No. 15 is a comprehensive measure replacing an earlier, more fragmentary Ordinance (No. 7 of 1903) which the requirements of the country had outgrown. The lines of other Eastern Africa legislation on the subject are adhered to. The list of diseases is a long one and framed so as to permit the subsequent inclusion, by proclamation, of any contagious or infectious disease of animals (s. 2). Diseased animals are to be isolated and notification made (s. 3). The Governor may declare any area infected, as regards a disease named in the proclamation of infection, and thereupon the provisions of s. 5, amounting to a rigorous internal quarantine, come into force therein. Control of certain potentially dangerous imports is assumed (s. 6) and

ports of entry and quarantine stations are established (ss. 7 and 8). Power to slaughter affected or suspected animals, or contacts, is taken by s. 10. Ss. 13 to 20 deal with entry on premises, inspection and seizure. Offences against the Ordinance are punishable by fine of up to £100 or six months' imprisonment, or both, and animals in respect whereof an offence has been committed are to be forfeited (s. 21).

Immigration Restriction.—No. 17 is another repealing and re-enacting measure, the former Ordinance, whose provisions had been found insufficient, being No. 4 of 1913. How narrow are now the meshes of the net may be seen from s. 4, which classes among prohibited immigrants any person deemed by the Governor on economic grounds, or on account of standard or habits of life, or otherwise on reliable information received, to be an undesirable inhabitant. Locally domiciled persons are not to be regarded as prohibited immigrants except in the case of prostitutes, convicts, mentally or physically diseased persons or those who are proved to be dangerous to peace and good order (ss. 4, 5). Prohibited immigrants found within the Protectorate may be sentenced to six months' imprisonment, and removed (s. 6). A doubtful immigrant may be held up for fourteen days for inquiries (ss. 9, 10), and if the Immigration Officer's decision is against him he may appeal to a magistrate (ss. 11–13). Owners of vessels and trains which bring in prohibited immigrants are made liable to the expense of taking them out again (s. 14). Conditional entry on deposit of security may be made in certain cases (s. 15) and transit passes may be had, but not as a matter of right (ss. 17–23). S. 24 contains a provision for which the need became manifest during the depression which followed the tobacco boom of 1919–20. It enacts that employers who bring in employees who become destitute from any cause within six months after the contract expires or is terminated, are liable to repay Government the costs of repatriation.

S. 28 enables the Governor to exempt certain persons (but not those of the kinds mentioned above as excluded even when locally domiciled) and also to issue permits to enter for a temporary purpose. There is a very wide penalty section (s. 30) with maximum fine of £50 and imprisonment for six months.

2. TANGANYIKA TERRITORY.

[*Contributed by* E. J. Macquarrie, Esq., *Solicitor-General.*]

By a Proclamation dated March 12, 1916, by the General Officer Commanding-in-Chief, East African Forces, "Martial Law" was established throughout occupied enemy territory, and Regulations were issued by Proclamation by various officers empowered to do so, and by a Civil Administrator specially empowered by a Proclamation dated December 22, 1916.

1919.—A Royal Commission dated January 31, 1919, appointed a Civil Administrator over "territory known as German East Africa," and by a Proclamation dated February 21, 1919, he revoked the Proclamation establishing "Martial Law." Thenceforward legislation was by Proclamation.

Various matters, such as Customs, Enemy Property, Restriction of Immigration, Medical Practitioners, the use, etc., of opium, poison, and drugs, sanitary and general Township regulations, were so dealt with.

1920.—From February 1, 1920, the name of Tanganyika Territory was given to the Occupied Territory, and by the Tanganyika Order in Council, 1920, dated July 22, 1920, the office of Governor and Commander-in-Chief and an Executive Council were constituted. Courts of Justice were also created. The power of legislation by Ordinance is vested in the Governor.

Ordinances (Nos. 7 and 9) were enacted applying various Indian Acts (*e.g.* the Indian Penal Code and Codes of Criminal and Civil Procedure, Post Office, Telegraphs, Railways, Stamp, Companies), and English Bankruptcy Law (No. 8). A Courts Ordinance (No. 6) constitutes Subordinate Courts and defines their jurisdiction. A Townships Ordinance (No. 10) gives wide powers to make rules for townships, similarly a Mining (No. 11) and a Cotton Ordinance (No. 13). Provision was made for Births and Deaths Registration (No. 12), Notification of Infectious Diseases (No. 3), and Public Holidays (No. 2). Thirteen Ordinances were enacted.

1921.—In 1921 forty-four Ordinances were enacted. The most important matters dealt with include : various Enemy Property dealings (Nos. 4, 35 and 42), a large and complicated subject ; Registration of Documents (No. 8), making registration of documents affecting land compulsory ; Native Vessels (No. 9) ; Marriage (No. 12) ; Judgments Extension (No. 13), making provision for the reciprocal enforcement of Judgments, etc., in the Territory and in neighbouring Protectorates ; Native Authority (No. 16) ; Prisons (No. 14) ; Ports (No. 18) ; Administrator-General's (Nos. 20 and 30) ; Fugitive Criminals Surrender (No. 22) ; Punishment of Murder (No. 28), by which the death sentence must be passed, on conviction for murder, except in the case of young persons ; Government Suits (No. 29), in which the English law of petition of right is followed ; Forests (No. 32) ; Trade Marks (No. 34), following the latest English legislation ; British Judgments (No. 37), on the lines of the Administration of Justice Act, 1920 ; Game Preservation (No. 41), and various Currency matters (Nos. 43 and 44), finally making the East Africa shilling the standard coin.

Other matters dealt with were Census (No. 1), Bills of Sale (Nos. 11 and 27), Widows and Orphans Pensions (No. 36) (of European Government Officers), etc.

Much was done by Rules or Regulations made under the provisions of the various Ordinances : Mining, Townships, Cotton, Ports, Game Preservation.

1922.

Ordinances passed—40.

Several Ordinances as to taxation were enacted, viz. : Estate Duty, Stamp, Hut, and Poll Tax, Vehicle Licensing, House Tax, Municipal House Tax, and Customs Tariff.

Enemy Property.—The Enemy Property (Retention) Ordinance (No. 5) enables Government to retain ex-enemy properties, paying a valuation assessed by the High Court ; the German Property (Liquidation) Ordinance (No. 37) creates a Liquidation Fund and provides the necessary machinery for the liquidation of the assets of ex-enemy nationals. The German Missions Ordinance (No. 31), the German Savings Bank (Winding-

up) Ordinance (No. 32) and the German Municipalities Ordinance (No. 33) were also enacted.

Judicature.—The Appeals to the Court of Appeal Ordinance (No. 11) provides for appeals both civil and criminal to the Court of Appeal for Eastern Africa; the Criminal Procedure (Amendment) Ordinance (No. 22) makes certain amendments in criminal procedure of a practical nature; and the Finger-prints Ordinance (No. 6) enables finger-prints to be taken in certain cases.

Motor Traffic.—Ordinance No. 34 introduces a system of registration and licensing of motor vehicles.

Arms and Ammunition. — Ordinance No. 28 institutes a stringent system of control over firearms. As also in the case of the Motor Traffic Ordinance, comprehensive Regulations provide for details.

Slavery.—The Involuntary Servitude (Abolition) Ordinance (No. 13) enacts, *inter alia*, "after the commencement of this Ordinance no person in the Territory shall detain any person against his will in service as a slave."

Witchcraft. — Ordinance No. 39 punishes the practice of so-called witchcraft, "with intent to cause death, disease, injury, or misfortune to any community, class of persons, person, or animal, or to cause injury to any property."

Mineral Oil Mining.—Ordinance No. 14 prohibits prospecting or mining for oil without a licence, and gives the Governor power to make all necessary regulations.

Administration.—The Administrator-General's Ordinance (No. 19) amends the Ordinance of 1921 in some details; the Small Estates Ordinance (No. 20) provides a simplified procedure for the administration of estates of a value of £150 or less; while the Deceased Native Estates Ordinance (No. 21) provides for the estates of natives.

Miscellaneous.—Other matters dealt with were: the amendment of the system of registration of births and deaths, collection of taxes by stamps, the regulation of cinemas and the transfer of the administration of the island of Mafia from Zanzibar to this Territory.

3. ZANZIBAR PROTECTORATE.

[*Contributed by* S. S. ABRAHAMS, ESQ., *Attorney-General.*]

Twenty-five Decrees were passed, some of considerable importance.

Agriculture.—Three enactments deal with agriculture. The Agricultural Produce (Amendment) Decree (No. 6) amending the Agricultural Produce Decree, 1915, makes it obligatory upon every dealer in agricultural produce to take out an annual licence, and compels dealers to produce for the inspection of police officers or certain officials of the Agricultural Department the register and other papers relevant to their trade which the principal Decree obliges them to keep.

The Agricultural Returns Decree (No. 4) requires the occupier of any agricultural land (by which term is meant the person entitled to the immediate receipt of the profits) to furnish a return of the clove-trees upon his property with such other details as the Director of Agriculture may require.

The Plantations Preservation Decree (No. 18) places upon the

occupier of land upon which there are clove- or coconut-trees the obligation to clean and weed the land at least once a year to the satisfaction of the Director of Agriculture, and enables the latter, in the event of neglect to comply with this obligation, to enter upon the land, perform the necessary work and recover the cost from the occupier. The Decree also compels the occupier, with the same consequences on default, to destroy any trees attacked by insects, to remove any parasites attached to any tree and to clear away or destroy any heap of decaying matter likely to serve as a breeding-place or harbourage for destructive insects. A measure of great importance in this Decree is the infliction of a penalty upon any person who wilfully damages a clove-tree by branch-breaking or otherwise. The Agricultural Department had long regarded this as necessary to check the injury done to clove-trees during the picking season.

Official Secrets.—The Official Secrets Decree (No. 7) is an adaptation practically in its entirety of the British Act of the same title.

Police.—The Police Decree (No. 8) is a comprehensive enactment constituting the Police Force of the Protectorate and providing for the discipline, powers and duties of its members. Provision is also made for the enrolment of special police for emergency occasions. Special arrangements are also made for the testamentary dispositions of police officers and the management and distribution of their property after death.

Criminal Procedure.—The Criminal Procedure (Amendment) Decree (No. 9) [1] deals with the procedure in criminal appeals to the High Court, and enacts that an appeal shall lie to the Court of Appeal for Eastern Africa from any finding, sentence or order recorded or passed by the High Court in the exercise of its original jurisdiction, but states in terms that no appeal shall lie from decisions of the High Court in its appellate jurisdiction except where it has convicted on an appeal from an acquittal. A new departure in criminal procedure is made by the power given to the British Resident to direct the Attorney-General to present an appeal to the High Court from any order of acquittal passed by any Court subordinate thereto.

Liquor.—The Liquor Licensing (Amendment) Decree (No. 2) declares the sale, distribution or possession of liquor to or by any person not an "exempted person" to be unlawful. "Exempted persons" means Europeans, Americans, Japanese, Chinese, Anglo-Indians, Parsees, non-Mohammedan Syrians and such other non-native persons or classes of persons as the British Resident may include in that category. The penalty for the infringement of this prohibition is imprisonment for a maximum term of three years or a fine not exceeding 10,000 rupees or both punishments. Other measures of control over the liquor trade are introduced by this enactment in relation to the import sale of spirits, which is declared to mean any liquor containing more than 15 per cent. of alcohol.

Customs.—The Customs (Amendment) Decree (No. 3) abolishes the duties hitherto charged upon locally produced chillies, hides, rubber, sim sim, shells and tobacco.

Air Navigation.—The Air Navigation Decree (No. 10) applies the

[1] This Decree was repealed and re-enacted more comprehensively by the Criminal Procedure (Amendment) Decree, 1923 (No. 1).

Air Navigation (Colonies and Protectorates) Order in Council, 1922, "so far as circumstances require and admit."

Matrimonial.—The Marriage and Divorce (Mohammedan) Registration Decree (No. 11) applies to all Mohammedans except British Indians and British Indian protected persons. The performance of marriages by any persons except Kathis, guardians authorized by the law of Islam, and Marriage Officers duly appointed by the Sultan, is prohibited. The Protectorate is divided into Marriage Districts and Marriage Officers are appointed to each. Every Kathi, or Marriage Officer performing a marriage must enter details in a register kept by him for that purpose, and every guardian performing the like office must report details to the Kathi, or Marriage Officer of the district for inclusion in the register. Divorces must be reported in a similar way, and monthly returns are to be made by every Kathi and Marriage Officer to the Central Registry for Marriages and Divorces.

No Court may "take cognizance of or give effect to any marriage or divorce" . . . "unless the same shall have been duly registered under the Decree." Penalties are provided, *inter alia*, for the performance of marriages by unauthorized persons.

Currency.—The Currency Decree (No. 1) declares it an offence to sell or purchase or take or receive in exchange or offer to sell or purchase or take or receive in exchange any coin or currency note which is legal tender for an amount other than its face value, or accept or offer to accept any such coin or note in payment of a debt or otherwise for an amount other than its face value.

The Penal (Amendment) Decree (No. 13) makes the possession without lawful excuse of any imitation of a currency note an offence. For the purposes of this Decree the currency note imitated may be that issued in any part of His Majesty's Dominions.

Local Administration.—The Native Administration and Authority Decree (No. 15) empowers the British Resident to divide the Protectorate into districts, sub-districts and other areas. Any officer in charge of a district may for any purpose connected with the proper administration and good government of the district direct the attendance before him at any place and time of any native within the limits of the district. District officers are also empowered to direct any native to do or abstain from doing acts where the peace and good order or the health of the community in the district may be involved.

Building.—The Building (Amendment) Decree (No. 20) allows an appeal from any order of the Building Surveyor directing the owner of a structure to repair or demolish the structure if its condition appears to the Building Surveyor to be dangerous. The appeal lies to the British Resident, who may, if he thinks the appeal has any substance, refer the matter for final decision to a Committee of not less than three and not more than five.

Former Enemy Aliens.—The Former Enemy Alien Restriction (Amendment) Decree (No. 22) prolongs the restrictions introduced by the principal Decree, 1921, upon former enemy aliens against the acquisition of land and entry into and residence in the Protectorate. These restrictions are prolonged until January 10, 1924, and the British Resident is empowered by notice in the *Gazette* to order a further prolongation from time to time for any period not exceeding one year.[1]

[1] The restrictions have been further prolonged until September 10, 1924.

Rent Restriction.—The Increase of Rent (Restriction) Decree (No. 23) restricts the increase of rent and the right to the recovery of the possession of small houses. This enactment was based in its main features upon contemporaneous English legislation.

Commissions of Inquiry.—The Commissions of Inquiry Decree (No. 24) empowers the British Resident to issue commissions of inquiry into matters of public interest. It provides for the procedure to be observed by the Commissioners and invests them, *inter alia*, with all the powers of a Court of Justice in respect to the summoning of witnesses, the administering of oaths and the recording of evidence.

Motors.—The Urban and Rural Districts Regulation (Amendment) Decree (No. 12) recognizes the validity in Zanzibar of drivers' licences issued by any of the neighbouring Governments of Kenya, Tanganyika and Uganda ; and accepts the registration of a motor-car or motor-cycle in any of the aforesaid dependencies as registration in Zanzibar providing that the vehicle, when within Zanzibar, carries a distinctive plate indicating the particular dependency where it has been registered.

4. ANGLO-EGYPTIAN SUDAN.

[*Contributed by* D. GWYTHER MOORE, ESQ.]

Supplementing the article on the " Legislation of the Anglo-Egyptian Sudan," [1] the following synopsis gives the main features of the legislation from 1899 to 1922.

1899.—The preliminary requirements of law and order are provided for by the promulgation of the Penal Code (No. 11) and Code of Criminal Procedure (No. 12).

The rebuilding of certain towns (foremost, Khartoum) is undertaken (No. 1).

A commencement is made in the important matter of Land Settlement and the preparation of registers of land titles (No. 2).

Legislative authority is given for the raising of revenue as follows: Land Tax and Date Tax; Gum Royalty; House Tax; Boat Tax; and Herd Tax (Nos. 3, 4, 7, 9, 14).

Early action is taken to regulate the sale of liquors (No. 6).

The interest of mining circles in the possibilities of mineral wealth is reflected in a Mineral Prospecting Ordinance (No. 15).

1900.—The Civil Justice Ordinance appears as a companion to the Criminal Codes of the preceding year (No. 2).

1901.—Tribute is to be payable by the Nomad tribes (No. 5).

The activities of the Technical Departments in economic spheres now require legislative support. Ordinances are passed: For Conserving Woods and Forests (No. 8) ; for dealing with Cattle Plague (No. 10) ; and for the Preservation of Wild Animals (No. 11).

In the administrative spheres the Municipal Councils Ordinance (No. 12) lays the foundation for the devolution of a variety of local matters.

1902.—Time has now been found for an enactment to regulate and define the business of the Mohammedan Sharia Courts (No. 1). There are only two Ordinances this year.

[1] *Journal of Comparative Legislation*, Third Series, vol. vi, pt. i, p. 131.

1903.—Numerous public requirements necessitate sanction for expropriation of land (No. 1).

Native liquors attract special legislation (No. 5).

1904.—The Railway Ordinance of this year indicates the rapid development of the Sudan Railway System (No. 1).

The permanent character of the Civil Service is recognized by the enactment of a Government Pension Ordinance (No. 6).

1905.—The preservation of antiquities is provided for (No. 8).

1906.—The creation of a new harbour at Port Sudan (the most important economic factor in Sudan development) is revealed in the Harbours and Shipping Ordinance (No. 4).

1907.—Social legislation is represented by the banning of hashish (No. 4) and a law for the punishment of drunkenness (No. 5).

Plenary powers are taken for warfare against locust plagues, including a power to conscript the local population (No. 7).

Boats are required to be registered (No. 8).

A system of registration of title to land (which has been gradually extended in step with survey and settlement) is finally established under the Deeds Registration Ordinance (No. 9).

1908.—The Sudan takes its place in the realm of international hygiene by the enactment of a Quarantine Law (No. 3).

The Police Force is organized (No. 5).

The Forest Code is elaborated (No. 8).

1909.—No Ordinances.

1910.—The Governor-General's Council is established (No. 1).

The postal and telegraph services are given a code (No. 3).

1911.—The Lado Enclave, hitherto administered by Belgium, is transferred to the Sudan Government (No. 1).

1912.—Provision is made for improving and maintaining the quality of cotton grown in the Sudan—an indication of the increasing importance of cotton cultivation in the Sudan (No. 4).

Public Health receives attention in a Code (112 sections) to be administered by the Central Sanitary Board (No. 8).

1913.—The Government commences to borrow money (£3,000,000) for irrigation works and railway extension under guarantee of the British Treasury (No. 5).

1914–18.—The war years produce the normal *ad hoc* legislation: Food Prices (1914, No. 4); Trading with Enemy (1915, No. 1); Emergency Powers (No. 6); Custodian of Enemy Property (1916, No. 4); but time is found for the Courts Ordinance (1915, No. 4); and for two useful Commercial Codes, *i.e.* Bankruptcy (1916, No. 2); and Bills of Exchange (1917, No. 3).

1919.—The twelve Ordinances of this year are practically confined to revision or expansion of existing enactments.

1920.—Further legislation is necessary in matters which are "legacies of the war," viz. Profiteering (No. 1); Food Prices (No. 2); Rent Restriction (No. 4); Gold and Silver Coinage (No. 7).

1921.—An Audit Department is established and the office of Auditor-General created (No. 9).

Legislation begins to take a closer interest in specific persons and things; *e.g.* the law relating to domestic servants is embodied in an Ordinance and provision made for registration (No. 3); a Public Order Ordinance is passed relating to (*inter alia*): the licensing of motor

vehicles, the muzzling of dogs, and visitors' registers in hotels and lodging-houses (No. 6).

1922.—Customary powers of sheikhs of nomad tribes in the punishment within the tribe of certain types of criminal offences and in the settlement of civil disputes are recognized and validated (No. 3).

The numerous regulations relating to passports, and cognate matters, are consolidated in the Passports and Permits Ordinance (No. 7).

IX. SOUTH ATLANTIC.

BRITISH GUIANA.

[*Contributed by the* HON. HECTOR JOSEPHS, K.C., LL.B.]

There were thirty-five Ordinances passed during the year. Of these the principal enactments are :

Sugar Industry.—The Sugar Industry Assistance Ordinance (No. 1) provides the necessary machinery for carrying into effect the provisions of the Resolution of the Combined Court of February 17, 1922, which authorized the Governor for and on behalf of the Colony to make certain guarantees for the repayments of amounts in respect of advances to proprietors of sugar estates, on certain terms and conditions.

Rice-growers.—The Rice-Growers Loans Ordinance (No. 2) provides the necessary legislative machinery for effecting the purpose of the Resolution of the Combined Court of December 20, 1921, which approved of advances not exceeding $150,000 in the aggregate being made by the Treasury to rice-growers through the medium of the Co-operative Credit Banks. The object was to assist the rice-growers in reaping their crop and in transporting and storing it ; and the advances were to be on such terms and conditions as the Governor might approve.

Judgments.—The Judgments Extension Ordinance (No. 3) is in accordance with Imperial legislation (Part II of the Administration of Justice Act, 1920, 10 & 11 Geo. V, c. 81).[1] The purpose is to provide for the reciprocal enforcement of judgments in superior Courts and awards in this Colony and the United Kingdom and in other parts of His Majesty's dominions or territories under His Majesty's protection.

Rent.—The Increase of Rent (Restrictions) Ordinance (No. 4) restricts the increase of rent and the recovery of premises in certain cases, and the provisions are, with the necessary modifications, similar to those with regard to the increase of rent in the Imperial Act, the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (10 & 11 Geo. V, c. 17).[2]

Maintenance.—The Maintenance Orders (Facilities for Enforcement) Ordinance (No. 6) regulates the enforcement in this Colony of Maintenance Orders made in England or Ireland, and is in accordance with Imperial legislation (the Maintenance Orders (Facilities for Enforcement) Act 1920 (10 & 11 Geo. V, c. 33),[3] which originated from a resolution passed by the Imperial Conference in 1911.

[1] See *Journal of Comparative Legislation*, Third Series, vol. iv, pt. ii, p. 12.
[2] *Ibid.*, p. 5.
[3] *Ibid.*, p. 12.

Public Loan.—The Public Loan Ordinance (No. 9) gives effect to Resolutions by the Combined Court of May 16, 1922, by increasing the borrowing powers of the Colony from $8,000,000 to $10,000,000 and authorizes the issue of a loan of $4,800,000 (£1,000,000) for fifty years at 96 per centum with interest at 5½ per cent.

The Public Loan Ordinance (No. 17) amends in certain particulars, the provisions of the Public Loan Ordinance, 1916, and Ordinance 9, of 1922, with regard to bonds issued under these Ordinances to secure loans for public purposes. S. 2 of the Ordinance: (1) gives the Governor power to authorize a register of registered bond-holders to be kept in London; it also provides (2) that a bearer bond may become a registered bond by endorsement of a note of registration thereon and *vice versa* by the cancellation of such note—the endorsement is to be executed where the bonds are registered, viz. either British Guiana or London; and by sub-section (3) a registered bond is transferable only at the place of registration. S. 3, the notice of redemption to be given under s. 4 of Ordinance 9 of 1922 is to be published not only in the *Gazette*, but also in a leading newspaper in London and British Guiana.

Treaties of Peace.—The Treaty of Peace (Hungary) Ordinance (No. 10) makes the necessary modifications of the Treaty of Peace (Hungary) Order, 1921, as amended by the Treaties of Peace Orders (Amendment) Order, 1921.

Treasury Bills.—The Colonial Treasury Bills Ordinance (No. 22) confers upon the Governor the power, when authorized by resolution of the Combined Court, to borrow money in London by the issue of British Guiana Government Treasury Bills.

Transport.—The Government of the Colony acquired from the Demerara Railway Company the undertaking, lands, railways, buildings, plant equipment and all other the property of the Company (with certain exceptions) and on January 1, 1922, took over the undertaking which it has since carried on. For some years the Government has maintained a service of steamers in and about the Colony, and the Colonial Transport Ordinance (No. 23) provides by statute authority for the regulation of these services.

Civil List.—The Civil List Ordinance (No. 26) provides for the maintenance of a Civil List for five years from January 1, 1923, and amounts to £22,850 per annum.

Appeals.—The Appeals Regulation Ordinance (No. 33) makes further provision with respect to appeals from the Courts of the Colony to the West Indian Court of Appeal, it re-establishes the Full Court of the Supreme Court of British Guiana, and provides for appeals to the Full Court. Experience gained in the working of the West Indian Court of Appeal as established by the West Indian Court of Appeal Act, 1919, with the modifications enacted by the West Indian Court of Appeal Ordinance, 1921, has proved that it is not desirable that all appeals should be taken to the West Indian Court of Appeal, and that it is expedient to limit the number of matters in which there should be such appeal, and the Full Court is re-established for the purpose of hearing appeals in other matters which it is considered would be better dealt with by a more domestic tribunal.

X. WEST INDIES.

1. THE BAHAMAS.

[*Contributed by the* Hon. Harcourt Malcolm, O.B.E., K.C., *Speaker.*]

Acts passed—21.

Elections.—The Registration of Voters Amendment Act (c. 1) provides an additional Polling Division in the Election District of Andros Island.

Peace Treaty.—The Treaty of Peace Auxiliary Act, 1922 (c. 2), authorizes the Governor to establish a clearing office and appoint a Comptroller thereof.

Debenture Redemption.—The Debenture Act (c. 3) authorizes the paying off out of the general revenue of debentures issued under the Debenture Act, 1888, and the Telegraph Act, 1893, before maturity.

Mechanical Engineer.—The Mechanical Engineer's Act (c. 4) enables the Governor to appoint a mechanical engineer attached to the Police Department at a salary of £400 a year. The office is pensionable.

Hotel Accommodation.—The Hotel Loan Act (c. 5) provides authority to raise a loan of £300,000 by the issue of thirty-year debentures locally or in England on the issue from and at a rate of interest not exceeding 5½ per cent. The debentures are free of income or other similar tax, present and future.

Hotel Fort Montagu.—The Hotel Fort Montagu Guarantee Act (c. 6) authorizes the Governor in Council to provide a Government guarantee of $750,000 for the erection of a hotel near Fort Montagu and an 18-hole golf course.

Civil Engineer's Department.—The Public Establishments Amendment Act (c. 7) increases the salary of the Civil Engineer from £300 to £650 and provides a second clerk at a salary of £100. The Act also precludes the Civil Engineer from being Surveyor-General—a combination of offices which has existed for many years.

Motor-cars.—The Motor-car Act (c. 8) regulates the use of motor-cars and trucks in the Island of New Providence. This Act applies to persons in the service of the Crown.

Resident Surgeon.—The Resident Surgeon's Act (c. 10) increases the salary of the present holder of this office to £600.

Education.—The Education Amendment Act (c. 16) increases the penalty for a breach of any Education Department by-law from five shillings to forty shillings.

Expiring Laws.—The Expiring Laws Continuance Act (c. 17) continues one Act in force for five years, three Acts for three years, and two Acts for one year.

Mail Service.—The Mail Service Revival Act (c. 18) revives the Mail Service Acts, 1873 to 1914, which had expired by effluxion of time on August 26, 1920, as from that date, and validates all Acts done and expenditures incurred thereunder.

Out-Island Appropriation.—The Out-Islands Improvement Act (c. 19) appropriates £27,000 for the improvement of the Out-Islands.

Governor's Salary.—The Governor's Salary Act (c. 20) increases the Colony's contribution to the Governor's salary from £1,100 to £1,500.

Appropriation.—The Appropriation Act (c. 21) appropriates £499,386 for public works and other services. This is the largest Appropriation Act in the history of the Colony.

2. JAMAICA.

[*Contributed by* J. E. R. Stephens, Esq., *Acting Judge of the Kingston Court.*]

During the year 1922 some twenty-eight Laws were passed by the Legislative Council.

Tariff.—The Tariff Law (No. 2) consolidates and amends the Law relating to duties on imports. It applies " Preferential Tariffs " to foods the growth, produce or manufacture of the United Kingdom or to the Dominion of Canada, or any part of the British Empire, to which any preferential tariff in force in the Colony for the time being has hereafter been made to apply by action taken under s. 26 of this Law; provided that such goods shall be accompanied by such evidence of origin as may be prescribed by the Governor in Privy Council from time to time.

Sugar Industry.—The Sugar Industry Aid Loans Supplemental Law (No. 3) empowers the Governor to raise a loan either at one time or in instalments as may be expedient, not exceeding £350,000, to provide assistance to representatives of the sugar industry. Provided that any loan raised under the provisions of this section shall not be in addition to the sum of £400,000 authorized to be raised under the principal Law, so as to make a loan of an aggregate sum of £750,000, but that any such loan shall only be in proportion to the amount from time to time repaid of the sum of £400,000.

Direct West India Cable Company.—Law 7 extends for a further period of twenty years certain provisions of the Direct West India Cable Company's Law, 1898, without any undertaking as to the payment of a subsidy to the said Company, but with extended relief as to the payment of import duties by the said Company.

Drugging of Animals.—The Drugging of Animals Law (No. 10) prohibits the administration of poisonous drugs to horses and other animals. It enacts that if any person shall wilfully without any reasonable cause or excuse administer to any horse, cattle or domestic animal any poisonous or injurious drug or substance shall be guilty of an offence, and shall be liable on summary conviction before a resident magistrate to a penalty not exceeding £100, or alternatively, or in addition thereto, to imprisonment with or without hard labour for any term not exceeding three months.

Finance.—Law 11 enables the Governor or the Crown Agents for the Colonies on his behalf to borrow money for the use of Treasury Bills in London. The Governor, whenever authorized thereto by a Resolution of the Legislative Council, may request the Crown Agents for the Colonies to borrow, by the issue in London of Government Treasury Bills, sums not exceeding the amount specified in such Resolution.

Midwifery.—Law 12 amends the Midwifery Law, 1919. It enacts that persons certified as having successfully practised for more than three years before the commencement of this Law may be registered within

twelve months after the commencement of this Law, by applying to the Registrar; provided always that the Governor may extend the period for registration for such time as he shall think fit in any case in which he is satisfied that the failure to register within the twelve months has been due to circumstances over which the applicant for registration has no control.

Harbours and Lights.—The Harbour Fees and Light Dues Exemption Law (No. 13) exempts all vessels, including coasting ships, from the payment of harbour fees and light dues in any part of the Island.

Tourists.—Law 15 provides for the appointment of a Tourist Trade Development Board, and defines the powers and duties of such Board in relation to increasing and adequately providing facilities for tourists and as to measures to be adopted for attracting them to the Island, and generally for the improvement of the passenger services to the Island.

Registration of Titles.—Law 19 further amends the Registration of Titles Laws.

Constabulary.—Law 20 further amends Law 8 of 1867 (a Law to organize a Constabulary Force) in the matter of pensions and contributions thereto. It provides for a deduction of 3*d.* in every 10*s.* on each semi-monthly pay day for the purposes of pension, disability allowance and gratuity. But this deduction is not to be made from the pay of any constable who, within three months of the coming into operation of the Law, notifies that he does not wish to come under its operation.

Motors.—Law 21 makes provision for the collection and application of duties on mechanically propelled vehicles and vehicles used with them, and for the licensing and control of the drivers thereof, and to regulate the use of such vehicles on the roads of the Island. Amongst other things, it provides that the lamps on motor vehicles shall be so arranged, adjusted and operated so that no dangerously glaring or dazzling rays from the lamps on a level road shall be projected at such an angle above the level as to enter the eyes of approaching drivers of vehicles, riders or pedestrians.

Water Supply.—Law 23 determines and controls the ownership of water for public and private uses. It provides that the sole and exclusive use of private water shall belong to the proprietor of the land in which it is found. All water, other than private water, is vested for ever in the Crown in the right of the Island of Jamaica, and the Governor in Privy Council may authorize its use, diversion and apportionment, subject to the terms of this Law, and in conformity with any regulations framed thereunder. One or more Water Courts may be appointed by the Governor to settle disputes.

Passports.—Law 26 makes provision for the control and regulation of passports. It provides that any person coming from, or intending to proceed to, any place out of the Island of Jamaica, either by sea or air, shall not be allowed to land or embark at any place in the Island, unless he has in his possession a valid passport or permit issued to him not more than two years previously by or on behalf of the Government of the country of which he is a subject or citizen. Any alien coming to the Island of Jamaica from any country outside the British Empire must have such passport or permit viséd by the British Consul or Vice-Consul in the country from which he embarks, and shall not, without the special permission of the Governor, land at any place in the Island of Jamaica unless this condition has been complied with.

3. WINDWARD ISLANDS.

(i) GRENADA.

[*Contributed by* N. Julian Paterson, Esq., K.C., *Attorney-General.*]

During the year 1922 nineteen Ordinances were passed, many of which are amending enactments of no general interest. The following are the more important.

Courts (Temporary Powers).—The fall of the price of cocoa, the staple product of the Colony, and the consequent inability of owners of land to pay their debts resulted in many orders of the courts for the sale of land. In order to afford some measure of relief to the owners of these lands the Courts (Temporary Powers) Ordinance (No. 10) was passed. This Ordinance empowers the Courts, after considering all the circumstances of the case, to defer the sale of any land for any period not exceeding twelve months and subject to such conditions as the Court thinks fit. The duration of the Ordinance is for a limited period.

Aliens Landholding.—The Aliens (Landholding Regulation) Ordinance (No. 11) provides that, with certain exceptions, aliens and companies under alien control may not hold land or any interest in or mortgage on land in this Colony except with the licence of the Governor. The Grenada Ordinance is a close adaptation of Ordinance No. 36 of Trinidad.[1]

Alien Missionaries.—The Aliens Restriction (Missionary and Educational Work) Ordinance (No. 13) provides that no alien shall carry on missionary, educational or philanthropic work in the Colony without the permission in writing of the Governor. Permission will be granted to any alien who is a member of a society approved and recognized by the Imperial Government upon production of credentials establishing his identity. An alien who is not a member of a recognized society must obtain a permit from the Imperial Government authorizing him to engage in such work. Provision is made for the inspection of schools and other institutions maintained by aliens who are, further, liable to expulsion from the Colony if guilty of any contravention of the provisions of the Ordinance.

Fertilizers.—The Fertilizers Supply Ordinance (No. 15) was passed in order to enable agriculturists to obtain fertilizers of which they were greatly in need but which they were unable to procure owing to their lack of credit and the financial depression of the Colony. Under the scheme embodied by the Ordinance fertilizers are provided by the Government and sold to agriculturists on credit at cost price. The price of fertilizers purchased is payable by two equal instalments, the first to be paid on a day about a year after the purchase and the second on the same day in the following year. Interest at the rate of 7 per cent. per annum is payable, and the debt due to the Government is made a first charge upon the land and crops. It is an offence punishable by fine or imprisonment or by both to use any fertilizer sold under the Ordinance for any purpose other than the fertilization of the land specified as that to which the fertilizer is to be applied.

[1] See *Journal of Comparative Legislation*, Third Series, vol. v, pt. iii, p. 168.

(ii) St. Lucia.

[*Contributed by the* Hon. J. E. M. Salmon.]

Ordinances passed—21.

Aliens.—Aliens (Landholding Regulation) Ordinance (No. 15) prohibits the holding of land or mortgages in the Colony by aliens except under licence of the Governor in Council which is to be registered in the Deeds and Mortgages Registry. A company which is under alien control is to be treated as an unlicensed alien. Such companies are designated in s. 6. There are also restrictions on trusts in favour of aliens. Disregard of the provisions of the Ordinance may operate as a forfeiture, to establish which there are special provisions as to evidence, and judgment for declaring forfeitures of rights title or interest in favour of the Crown. A stamp duty of ten shillings is payable for every licence granted under the Ordinance.

Aliens Restriction (Missionary and Educational Work) Ordinance (No. 18) prohibits the carrying on of any missionary, educational or philanthropic work in the colony by an alien without written permission of the Governor, who is empowered to suspend or revoke such permission. Provision is also made for the inspection of institutions maintained by aliens, for the expulsion of aliens and for the making of regulations. The Ordinance is not to exempt any alien from the operation of any law of the Colony affecting aliens in general.[1]

Government Loans.—The Colonial Treasury Bills Ordinance (No. 21) empowers the Governor, whenever authorized by the Legislature, to borrow money through the Crown Agents by the issue in London of St. Lucia Government Treasury Bills. The principal moneys of the bills are chargeable upon and payable out of the general revenue of the Colony. The Ordinance also provides for the payment of the proceeds of the bills to the Crown Agents, for their amounts and period of currency and for their repayment and cancellation on repayment.

The General Loan and Inscribed Stock Ordinance (No. 11) repeals and replaces No. 55 of the 1916 Revision. It declares the terms and conditions applicable to loans authorized to be raised by the Government of the Colony and provides for the creation of inscribed stock.

Judgments and Orders.—The British Judgments (Enforcement) Ordinance (No. 6) provides for the enforcement in the Colony of judgments obtained in the Superior Courts in the United Kingdom and reciprocally for the enforcement of the judgments of the Royal Court of St. Lucia against judgment debtors resident in the United Kingdom. Power is given to make rules and to extend reciprocally the provisions of the Ordinance to any part of His Majesty's Dominions outside the United Kingdom.

The Maintenance Orders (British Possessions and Protectorate) Ordinance (No. 8) extends the provisions of No. 7 of 1921, the Maintenance Orders (Facilities for Enforcement) Ordinance,[2] to British Possessions or Territory under His Majesty's protection.

Bank Notes.—No. 17 amends No. 24 of 1920 and provides for the keeping of reserve funds and the taking up of notes by banks.

[1] This Ordinance has been repealed by No. 6 of 1923.

[2] See *Journal of Comparative Legislation*, Third Series, vol. v, pt. iii, p. 164.

Income-tax.—An amendment (No. 14) affords relief in cases where income tax is also payable in the United Kingdom.

Motor-cars.—No. 10 amends No. 104 of 1916 Revision and provides for the duration of licences and regulates the charges for the use or hire of cars.

Opium.—No. 9 amends No. 107 of the 1916 Revision and regulates the export of opium and provides that opium is to include prepared opium.

Police.—No. 2 amends No. 77 of the 1916 Revision and makes provision as to the titles, emoluments and residence of the chief, inspector, sub-inspector and other officers, as well as to the composition of the police force.

Public Health.—No. 12 amends No. 13 of 1920 by giving the Board of Health power as to houses in filthy or unwholesome condition.

Immigrants.—Undesirable Immigrants Amendment (No. 7) amends No. 35 of the 1916 Revision by making it an offence for the master of a vessel knowingly to permit the landing of a person whose name he is aware is not on the passenger list.

(iii) St. Vincent.

[*Contributed by* L. C. Levy, Esq., *Attorney-General.*]

Ordinances passed—25.

Aliens.—The Aliens (Landholding Regulation) Ordinance (No. 4) places certain restrictions upon the holding of land and mortgages by aliens. No alien may hold any land or mortgage in the Colony unless he obtains a licence from the Governor, the granting of which is in the Governor's discretion. An unlicensed alien may, however, acquire and hold land on an annual tenancy or for any less interest for the purpose of his residence, trade or business, but not exceeding five acres in extent. Other exceptions are made in the case of land or a mortgage acquired under a will or an intestacy, provided that in the case of land the land is sold within a year or the alien acquires a licence, and in the case of mortgage the alien shall not be entitled to enter into possession or foreclose unless he obtains a licence. The definition of alien in the Ordinance extends to companies under alien control. Companies incorporated in the Colony may restrict or prohibit the issue or transfer of shares and debentures to aliens.

With a view to preventing evasion of these provisions it is provided that no person shall without the licence of the Governor hold any land within the Colony, mortgage of such land and shares and debentures of companies incorporated in the Colony in trust for an alien. Any land, mortgage, or share and debenture acquired by an unlicensed alien contrary to the provisions of the Ordinance is liable to forfeiture on the motion of the Attorney-General.

The Aliens Restriction (Missionary and Educational Work) Ordinance (No. 19) prohibits any alien from carrying on any missionary, educational or philanthropic work in the Colony without the permission in writing of the Governor.[1]

Ancient Monuments.—The Ancient Monuments and Antiquities Ordinance (No. 6) provides for the acquisition and preservation of ancient

[1] This Ordinance was repealed by Ordinance No. 2 of 1923.

monuments and antiquities and restricts the export of objects of archæological interest. The object of this measure is to preserve ancient Carib remains, petroglyphs, stone and shell implements and pottery, a large quantity of which it was found had been exported in the past to the United States of America.

Dangerous Drugs.—The Opium Amendment Ordinance (No. 13) gives the Governor in Council power to make rules for the regulation of the exportation from the Colony of opium and its derivatives.

Finance.—The Colonial Treasury Bills Ordinance (No. 23) gives power to the Governor, when authorized by resolution of the Legislative Council, to borrow by the issue in London of Treasury Bills sums not exceeding the amount specified in such resolution. The principal represented by such Bills is charged upon the general revenue and assets of the Colony.

Every such Treasury Bill must be for the sum of £1,000 or a multiple thereof, and is payable at par at such time or times as may be determined beforehand, but not later than one year from the date of issue.

Nurses.—The Registration of Nurses Ordinance (No. 22) provides for the registration of nurses. Any person who has obtained a Certificate of Proficiency from the Medical Board in accordance with the Regulation made under the Ordinance is entitled to be registered. The Governor, upon the recommendation of the Board, may remove from the Register the name of any nurse who has shown herself to be incompetent or negligent or who has been convicted of any felony or other serious criminal offence.

Poor Relief.—The Poor Relief Ordinance (No. 5) reorganizes the system of administration of poor relief. The Ordinance provides for the appointment of a Chief Relieving Officer who is responsible for the proper administration of moneys voted for poor relief. He is assisted by District Relieving Officers, who are responsible to him. District Committees are also appointed by the Governor and the Chief Relieving Officer must submit to these Committees twice a year a list of poor relief recipients in their respective districts.

Revenue.—The Customs Duties (Amendment) Ordinance (No. 1) provides that for the purpose of assessing the amount of *ad valorem* duty payable on any goods the price or value thereof ascertained as aforesaid shall be converted into British currency at the market rate of exchange on the day of the arrival of the importing ship.

The Export Duties Ordinance (No. 24) consolidates previous legislation and adds copra to the list of dutiable produce at the rate of sixpence per hundredweight.

4. TRINIDAD AND TOBAGO.

[*Contributed by the* HON. THE ATTORNEY-GENERAL.]

Forty-three Ordinances were passed during the year 1922.

The following are the more important of those remaining in force which are likely to be of interest outside the Colony:

Surveyors.—The Land Surveyors Ordinance (No. 9) provides that no person shall practise as a land surveyor unless licensed by the Governor on the recommendation of a Board of Examiners. A fee of £5 is payable

for a licence. The Governor in Executive Council may make rules relating to the duration of articles, examinations and licences, the manner and system in accordance with which surveys are to be performed, the construction of plans and the marking of boundaries, and to offences by surveyors. Any one practising as a surveyor without a licence is liable to a penalty not exceeding £50, and a similar penalty is incurred for a contravention of the rules.

Trustees.—The Trustee (Amendment) Ordinance (No. 14) provides that orders made by the High Court of England or Ireland vesting in trustees land or personal estate in this Colony may be registered locally in the same manner as vesting orders made by the Supreme Court of the Colony.

Undesirable Persons.—The Expulsion of Undesirables Ordinance (No. 24) enables the Governor, for the preservation of the peace and good order of the Colony, to make orders:

(*a*) Requiring any person (not being a British subject domiciled in the Colony or who has been resident therein for the preceding two years) to leave the Colony;

(*b*) Prohibiting any person from landing in the Colony.

The Governor may, instead of ordering a person to leave the Colony, order him to be arrested and deported. Penalties are provided for failing to comply with an order, and for returning to the Colony without permission after having been deported or ordered to leave.

Treasury Bills.—The Treasury Bills Ordinance (No. 37) enables the Governor, when authorized by the Legislative Council, to borrow money by the issue of Trinidad and Tobago Government Treasury Bills locally or in London.

Industrial Schools.—The Industrial Schools and Orphanages Ordinance (No. 40) alters the title "Reformatory" to "Industrial School," and the title "Industrial School" to "Orphanage" and consolidates the law relating to such institutions.

Cocoa.—The Claying of Cocoa (Prohibition) Ordinance (No. 43) prohibits entirely the "claying" of cocoa, in consequence of the serious effect upon the reputation of Trinidad cocoa in foreign markets which has been brought about by the abuse of the process of "claying." It is made an offence:

(*a*) To add clay to any cocoa.

(*b*) To be in possession of any clayed cocoa, except under certain specified conditions.

(*c*) To sell, purchase or export any clayed cocoa.

(*d*) For a licensed dealer in cocoa to be in possession of clay.

"Clay" is defined to be the substance commonly known as "red clay," and includes any substance capable of increasing the weight of or suitable for coating or colouring cocoa beans, or which may be used to make a mixture suitable for coating or colouring cocoa beans, whether such substance is in its natural condition or is mixed with any other substance.

Provision is made for the appointment of inspectors, and power is given to such inspectors and to members of the constabulary force to enter and search the premises of licensed cocoa dealers and also, in case of reasonable suspicion, to enter and search any lands or premises and to seize any clayed cocoa which may be found.

Inspectors are further empowered to examine cocoa intended for or

in process of shipment, and for this purpose to enter on board any vessel and to search and to seize any clayed cocoa found therein.

The penal clauses provide for:

(*a*) A fine not exceeding £100;

(*b*) In the case of a licensed dealer in cocoa, the cancellation of his licence; and

(*c*) In any case, the forfeiture of any clay or clayed cocoa in respect of which any person has been convicted.

XI. MEDITERRANEAN COLONIES.

1. GIBRALTAR.

[*Contributed by* CAPT. THE HON. MAXWELL ANDERSON, C.B.E., K.C., R.N. (ret.), *Attorney-General.*]

During the year 1922 there were enacted ten Ordinances. Nos. 2, 4 and 8 were minor alterations of the Revenue Ordinance, and No. 1 was an amendment of the Post Office Ordinance as regards the fee for registration of postal packets.

Corporal Punishment.—Ordinance No. 3 codifies the law as regards the infliction of corporal punishment and removes several pre-existing anomalies.

Shop Hours.—Ordinance No. 5 was enacted to deal with the long hours worked by employees in certain establishments. After prolonged consideration of the possibility of an early closing day, it was decided that, in view of the conditions in Gibraltar as a mercantile port, regulation of hours was preferable to compulsory closing, and the Ordinance proceeds on these lines. It also compels provision of seats for female shop workers.

Maintenance.—Ordinance No. 6 amends the Maintenance Orders Ordinance, 1921, by providing for reciprocity between British possessions.

Tobacco.—The Tobacco (Chopping) Ordinance (No. 7) enacts, in the interests of public health, that after a certain date, now fixed at July 1, 1923, all chopping of tobacco shall be effected by machinery.

Political Prisoners.—Political Prisoners Detention Ordinance (No. 9) was passed to legalize the detention in Gibraltar of any political prisoner deported from Egypt, and under it Zaghlul Pasha was detained here. S. 4 of the Ordinance provided that no writ of *habeas corpus*, etc., should have any force or effect in the Colony. An application for such a writ was made to the Supreme Court, but the rule was refused and an application to the Privy Council for special leave to appeal also failed.

Public Health.—Ordinance No. 10 is an amendment to the Public Health Ordinance under certain provisions of which the municipal rate is collected. The Ordinance provides that, in lieu of assessment of properties of the Imperial Government, an amount shall be paid by the Imperial Treasury as a contribution to the rates, such sum being based on a percentage of the total yield of the rate.

2. CYPRUS.

[*Contributed by* MR. JUSTICE STUART.]

1921.

Laws passed—27.

Agriculture, Forestry and Industry.—No. 17 enables the Director of Agriculture to have general and special Orders, made under the Diseases of Plants Prevention Law, 1893, executed (when not properly otherwise obeyed) by the Department and to recover necessary expenses.

No. 23 amends the Sponge Fishery Law, 1890, and enables the High Commissioner in Council to prescribe charges, terms and conditions under which licences may be issued for sponge fishing within territorial waters.

No. 26 defines for forestry purposes the term "cattle" as including "bull, ox, cow, steer, heifer, horse, pony, mule, ass, camel, sheep, goat, pig, and the young thereof."

Aliens and Alien Enemies.—No. 8 provides that no alien may hold a pilot licence in Cyprus or may be appointed to any office or place in the local Civil Service. It also prohibits aliens from landing in Cyprus unless certain conditions relating to self-supporting ability, health and freedom from obnoxiousness for crime, etc., are complied with. Provision is made for the deportation of an alien within the Island (subject to the sanction of the Secretary of State) if necessary for the "public good."

No. 5, defining the phrase "former enemy alien," is now superseded by No. 14 of 1922 (see p. 182), and No. 6 defines the same phrase relative to the Former Enemy Alien Prevention of Entrance into Cyprus Law, 1919.

Animals.—No. 10 amends the Cruelty to Animals Law, 1909, by including "birds" as animals and enhancing penalties and enabling Courts to make orders to destroy animals under certain circumstances.

Courts.—No. 18 (repealing No. 3) responds to the Maintenance Orders (Facilities for Enforcement) Act, 1920, and provides for enforcement in Cyprus of such Orders made by a competent Court of the United Kingdom or of a British Possession outside the United Kingdom provided there is reciprocal legislation in such British Possession.

No. 25 enables a Cyprus District Court to enforce locally a judgment debt decreed in the United Kingdom by a competent Court. Where in a British Possession outside the United Kingdom there is reciprocal legislation like power is given in regard to judgment debts decreed in such British Possessions. Certain conditions for safeguarding a judgment debtor are prescribed.

Financial.—Nos. 1, 2, 21 and 22 are ordinary annual financial appropriation laws.

No. 20 prohibits the melting or the use otherwise than for the purpose of currency of any gold or silver coin current in the United Kingdom and British Possession or in any foreign country.

Public Health.—No. 15 amends the Public Health (Village) Law, 1892, by enabling a Medical Officer of Health to enter premises in any village, whether subject to the principal law or not, where there may be a suspected nuisance, and No. 16 includes a Medical Officer of Health among the officers of a Municipal Council.

Public Order.—No. 14 aims at suppressing dangerous propaganda by: (1) enabling the High Commissioner in Council to prohibit the importation of seditious publications; (2) enabling a Court on conviction of a person for seditious libel in lieu or in addition to any other punishment to (*a*) suspend for a period not more than a year the publication of a newspaper, (*b*) restrain within a like period the proprietor, publisher or editor from engaging except conditionally in the production of any newspaper, and (*c*) prevent the printing press used in the production of the newspaper to be used within a like period except on conditions; and (3) enabling the Supreme Court on an *ex parte* application by the King's Advocate to prohibit the issue or circulation of a seditious publication likely to lead to violence or class or racial hostility.

No. 24 prohibits any public procession other than a funeral or wedding procession without previous permission by the authorities.

Social.—No. 11 classes a local kind of lottery known as Cholo as a gambling game, and No. 19, relating to the marriage of British subjects, is now superseded by No. 37 of 1922 (see p. 184).

Miscellaneous.—No. 4 prohibits exportation of munitions of war to China.

No. 7 relates to certain abatements that may be made in certain circumstances where a pensioner receives another paid public office.

No. 9 enables the High Commissioner in Council to frame regulations to control motor-car traffic, and to impose fees for registration, for licences according to the tare or actual weight of an unladen motor-car (including body) and for drivers' licences. Motor-cars include motor-cycles.

1922.

Laws passed—43.

Agriculture, Forestry and Industry.—No. 9 is an effort to promote the establishment of oyster fisheries in Cyprus.

No. 21 establishes a control over the importation and sale of fertilizers in order to prevent adulteration, and No. 22 places under control the importation and sale of the eggs of the silkworm moth, provides for the appointment of sericulture inspectors, and otherwise regulates the silk industry.

No. 23 slightly amends the definition of village in the Field Watchmen Law, 1896, by making the term include a quarter of a village.

No. 29 provides a fund for the destruction of rats by a special charge on the export of carobs.

No. 39 safeguards the interests of vendors of agricultural instruments (defined as windmills for pumping water and such other instruments as the High Commissioner in Council may declare to be an agricultural instrument for the purposes of the law) bought on the hire-purchase system.

Aliens—Former Enemy.—No. 14 defines the phrase "Former Enemy Alien" as "an alien who is a subject or citizen of the German Empire or any component State thereof, or of Austria, Hungary, Bulgaria or Turkey, or who, having at any time been such subject or citizen, has not changed his allegiance as the result of the recognition of new States or territorial rearrangements or been naturalized in any other foreign State or in any British Possession in accordance with the laws thereof and

when actually resident therein and does not retain according to the law of his State of origin the nationality of that State."

No. 24, while making certain distinctions between missionary societies in communion with the Church of Rome, the Orthodox Church and other Oriental Churches and missionary societies not in such communion and missionaries and medical men not in communion with any Society, provides that all such missionaries and medical men, when not British subjects, shall enter into an undertaking to pay obedience and respect to the island Government, to abstain from participation in political affairs and to promote loyalty, etc.

Birds.—No. 38 (repealing No. 19) consolidates and amends the law relating to game and wild birds' protection; it also includes moufflon. It provides for licences to shoot, close seasons, areas temporarily or permanently reserved from being shot over and for the protection of eggs.

Companies.—No. 18 abolishes the Anonyme Companies of the Turkish law as based on the French Code of Commerce of 1807, perhaps radically alters the position of commanditaires in a commandite partnership and establishes in a large measure English law relating to limited liability companies—liability being limited by share and not by guarantee. It provides for the formation and constitution, management, audit, and winding-up voluntarily and compulsorily of companies and for the necessary officers, distinguishing between public and private companies. No special provisions apparently relate to debenture matters.

No. 7 is a private law regulating the first aerial railway in the Island.

Courts.—No. 40 amends the criminal law in regard to (so-called) "criminal trespass" and to receiving stolen property; and No. 42 amends No. 18 of 1921.[1]

Customs.—No. 15 includes timber and wood (including firewood) as among articles subject to a 15 per cent. *ad valorem* duty. No. 17 makes a new schedule of specific duties for the Customs, Excise and Revenue Law, 1899, and No. 33 concedes to a tourist travelling with his own motor-car a refund of 90 per cent. of the duty paid on disembarkation when embarking again if the embarkation be within three months.

Financial.—Nos. 1, 27 and 28 are the usual annual financial appropriation laws; but in No. 31 the Island prepares to learn the ways of a borrower by providing that, whenever authorized by a resolution of the Legislative Council, the High Commissioner may, through the Crown Agents, issue on the London market Treasury Bills for sums of £1,000 or multiples of £1,000.

No. 26 may be included here, enabling a Court to act upon a certificate of the Treasurer as to the question of the genuineness or spuriousness of a Currency Note; and No. 41 closes the financial year on December 31 instead of on March 31.

Ships.—Nos. 5 and 43 enable Cyprus to register ships and to fly its own mercantile marine flag (a British red ensign with the badge of Cyprus in the fly thereof).

No. 12 obliges every seagoing British ship registered in Cyprus being a passenger steamer (*i.e.* carrying more than twelve passengers), or a ship of 16,000 tons gross tonnage or upwards to have a wireless telegraph installation on board unless specially exempted by the High Commissioner.

Marriage.—No. 36 enables advantage to be taken of the Foreign

[1] See p. 181.

Marriage Act, 1892, by providing for the giving of notice by a party residing in Cyprus of an intended marriage by him (or her) to take place outside Cyprus.

No. 37 consolidates and amends the local marriage laws ; it provides for " mixed " marriages and gives facilities as regards notices, etc., for marriages between British subjects residing in Cyprus and British subjects residing in the United Kingdom. Marriage Officers are established and an authentic Register of Ministers of various denominations empowered to celebrate marriages by their respective churches set up. The law does not apply to Moslems nor, except in regard to mixed marriages, to members of the Orthodox Greek Church. Due provision is made for necessary notices and consents of parents or guardians where necessary.

Drugs.—No. 2 is a result of the activities of the League of Nations and prohibits the exportation of dangerous drugs, opium, morphine, cocaine, ecgonine, and diamorphine or heroin and their respective salts and preparations containing not less than one-fifth per cent. of morphine or one-tenth of the other drugs.

Post Office.—No. 4 enables a Customs officer to assess the value of a parcel sent by parcel post to Cyprus, where the declared value is open to suspicion.

Highways.—No. 25 enables road making or repairing gangs to obtain material without consent from neighbouring lands and provides an easy method of compensation.

Statute Law Revision.—Nos. 16 and 35 enable the Chief Justice to prepare a reprint of the Statute Laws of Cyprus to date, with power to consolidate, omit repealed or obsolete matter, make grammatical corrections, amend titles, etc. Somewhat similar powers are also given for a revision of Orders in Council and Regulations made under various laws.

3. MALTA.

[*Contributed by* C. J. Colombos, Esq., LL.D.]

Acts passed, 23—Ordinances passed, 4.

The first session of the first Maltese Parliament was formally opened by the Prince of Wales on November 1, 1921. By the " Malta Constitution Letters Patent, 1921 " [1] provision is made for the constitution of responsible self-government in Malta and for the enactment of laws by the Legislature thereof. Laws so enacted are styled " Acts." On the other hand, certain limited and specific matters affecting the general defence of the Empire, its foreign relations, and the position of Malta as an important centre of trade and communication, are reserved to the Imperial Government, and power is granted to the Governor to make laws on such subjects. Laws so enacted are entitled " Ordinances enacted by the Governor of Malta." A further power of legislating on " reserved matters " is retained to the King in Council.

Religion of Malta.—Act No. 1 lays down that the " Roman Catholic

[1] Papers relating to the new Constitution of Malta, White Paper [Cmd. 1321] p. 98.

Apostolic Religion is, as it has ever been in the past, the Religion of Malta and its Dependencies." The Act is declaratory of the steadfast adherence of the Maltese to the religion of their forefathers and does not interfere with the full liberty of conscience and the free exercise of religious worship of other denominations provided for in section 56 of the Malta Constitution.

Import Duties.—To prevent undue undervaluation of goods liable to an *ad valorem* duty, Act No. 5 grants a right of pre-emption to the Collector of Customs in all cases where the appraised value of the goods imported is found to exceed by over 5 per cent. the value declared by the importer.

Treasury Counsel.—Act No. 9 abolishes the old office of Crown Advocate which had become obsolete under the new Constitution, and provides for the establishment of a Public Prosecutor and Treasury Counsel whose functions closely resemble those exercised in England by the Law Officers.

The Tonnage and Port Dues Act.—This Act (No. 10) consolidates the laws relating to tonnage and port dues, and is inspired by the desire to afford reasonable facilities to ships calling at Malta and to attract more shipping.

Protection of Antiquities.—Act No. 13 is an important amendment of the Ordinance enacted in 1910. It prohibits the exportation of any moveable object of antiquarian, archæological or artistic value except with the previous sanction of the Minister of Public Instruction, and subject to the payment of an export duty. Power is given to the Government to acquire by expropriation any monument or building of this character if its preservation is deemed to be in jeopardy in the hands of private owners. The Act further forbids the demolition or alteration of any such building or monumental remains. An "Antiquities Committee" has been set up for the purpose of supervising the operation of the Act, and generally for advising on all matters relating to the protection and preservation of monuments.

National Holiday.—To commemorate the great victory of the Maltese over the Turks in 1565, the eighth day of September is declared a National Holiday (Act No. 15).

Legal Profession.—Act No. 16 restores the academical degree of LL.D. as a necessary qualification for admission to practise in the Colony as an Advocate.

Public Lottery.—Act No. 17 establishes the "Lotto" as a Government monopoly and prohibits, under heavy penalties, the importation, sale and distribution in the island of all foreign lottery tickets. The Act has been resorted to as a revenue-raising expedient and is entirely based on Italian legislation, of which it adopts the methods and systems.

Suppression of White Slave Traffic.—Act No. 23 has been passed as an amendment to the principal Ordinance of 1918, and constitutes merely an interpretation of the words "woman over age." For the purposes of suppression of this traffic, the expression is declared to mean "a woman who shall have completed twenty-one years." Under Maltese law full age is attained at eighteen, so that this Act was found necessary in order to bring local legislation into line with the provisions of the Paris Convention of September 30, 1921.

Governor's Ordinances.

Wireless Telegraphy.—Ordinance No. 2 enacts that the written permission of the Governor is necessary for making, buying, selling, or for having in one's possession or control any apparatus for the transmission of messages by wireless telegraphy. Wireless telegraphy is defined in this Ordinance as "any system of communication by means of electric signals or telephony without the aid of any wire connecting the points from and at which the messages or communications are sent or received."

Passports Ordinance.—No. 3 empowers the Governor to make regulations from time to time respecting the issue of passports.

Aliens' Restriction.—Ordinance No. 4 incorporates the provisions of the English Act 9 & 10 Geo. V, c. 92, as to the definition of "former alien enemy."

XII. PALESTINE.

[*Contributed by* NORMAN BENTWICH, ESQ., *Attorney-General.*]

During the year 1922 the Constitution of Palestine was issued in the form of two Orders in Council, of which the principal Order deals with the organization and constitution of the Executive, Legislative and Judicial Authorities of the Government, and an attached Order deals with the system of election to the Palestine Legislative Council. These instruments were brought into operation in Palestine by Proclamation of the High Commissioner dated September 1. Palestine has now therefore a constitutional Government, although the Legislative Council had not at the end of the year under review come into being owing to the time needed for taking the census of the population and forming the electoral registers.

The international position of the Palestine Government is not yet, however, completely regularized. The Council of the League of Nations, at its meeting in July, approved indeed the terms of the Mandate for Palestine, but directed that the Mandate should not come into operation until an agreement had been reached between France and Italy in regard to certain questions raised by Italy about the French Mandate for Syria. The position therefore is still somewhat anomalous, because, owing to the delay in the ratification of the Treaty with Turkey and the promulgation of the Mandate, the question of sovereignty is still suspended.

In view of the approaching formation of an Elected Legislative Council, legislation by the High Commissioner in consultation with the Advisory Council was (particularly during the second half of the year) reduced as much as possible. At the same time a number of important Ordinances on administrative and commercial matters were called for, such as the Ordinances concerning the power of the Railway Administration, the organization and discipline of the British Gendarmerie, the licensing of establishments for the sale of intoxicating liquors and the holding of public entertainments, the winding-up of limited companies, the organization and functions of credit banks, and the taxation of tobacco. Comprehensive Ordinances also were issued organizing the

profession of advocates, regulating the carriage of and dealing in firearms and investing the Department of Health with full powers to deal with the checking of malaria and matters of quarantine. Lastly, a number of smaller Ordinances were required to amend in certain particulars Ottoman laws and previous legislation which had been found by experience to require modification.

Constitution.—The Order in Council is divided into eight parts. Part I contains definitions and rules of interpretation.

Part II, dealing with the Executive, defines the powers of the High Commissioner and the Executive Council, and follows in these respects the general model of constitutions of colonies under British administration, except that it is provided that all rights in any public lands and all mines and minerals whatsoever shall vest, not in His Majesty, but in the High Commissioner in trust for the Government of Palestine.

Part III deals with the Legislature and provides for the constitution of a Legislative Council to replace the existing Advisory Council. The Council has full power and authority, subject to the right of His Majesty to legislate by Order in Council, and subject to the conditions prescribed by any Royal Instructions, to establish such Ordinances as may be necessary for the peace, order and good government of Palestine. It is provided, however, that no Ordinance shall be passed which shall restrict complete freedom of conscience or discriminate in any way between the inhabitants of Palestine on account of race, religion or language, or which shall be in any way repugnant to or inconsistent with the provisions of the Mandate.

The Legislative Council consists of twenty-two members in addition to the High Commissioner, ten being official and twelve unofficial members. The unofficial members are to be elected in accordance with the provisions of a special Order in Council which is summarized below. There are the usual provisions that:

(1) No Ordinance shall take effect till the High Commissioner has assented thereto or His Majesty has expressed his assent.

(2) The High Commissioner may reserve for the signification of His Majesty's pleasure any Ordinance passed by the Council, and His Majesty reserves the right to disallow any Ordinance to which the High Commissioner has assented within one year of such assent.

Any Ordinance which concerns matters dealt with specifically by the provisions of the Mandate must be reserved for the signification of His Majesty's pleasure.

No proposal for the appropriation of any part of the public revenue or the imposition of any tax shall be made to the Council except by the High Commissioner or by his direction. The High Commissioner, and in his absence the Chief Secretary, presides over the Council. Questions are to be decided by a majority of the votes of members present, and the President shall have a casting vote in addition to an ordinary vote.

Part IV provides for the application to Palestine of certain British Statutes and enactments attached to the Foreign Jurisdiction Act, 1890.

Part V, which is concerned with the judiciary, lays down that the Civil Courts shall, subject to the limitations contained in the Order, exercise jurisdiction in all matters and over all persons in Palestine. After prescribing the establishment of Magistrates' Courts, District Courts, Land Courts and a Court of Criminal Assize, the Order declares that there shall be a Supreme Court which, sitting as a Court of Appeal,

has jurisdiction to hear appeals from all judgments given by a District Court, a Court of Criminal Assize or a Land Court, and sitting as a High Court of Justice has jurisdiction to hear and determine such matters as are not causes or trials but petitions or applications necessary to be decided for the administration of justice. An appeal will lie in civil matters, where the amount or value in dispute exceeds £E500, from the Supreme Court to the Privy Council.

The law to be applied by the Civil Courts is the Ottoman law in force at the outbreak of the war and such later Ottoman laws as are declared to be in force by Public Notice and Orders in Council, Ordinances and Regulations which are in force at the date of the commencement of the Order or which may hereafter be applied or enacted. Subject thereto the Courts shall exercise their jurisdiction in conformity with the substance of the common law and the doctrines of equity and the procedure in force in England, so far as the circumstances of Palestine and its inhabitants and the limits of His Majesty's jurisdiction permit, and subject to such qualification as local circumstances render necessary.

The Civil Courts have a residuary jurisdiction in matters of personal status subject to the jurisdiction of the Religious Courts, which is different for Moslem and non-Moslem communities respectively. The Moslem Religious Courts have exclusive jurisdiction in matters of personal status of Moslems and in cases of the constitution or internal administration of a *wakf* (charitable endowment) constituted for the benefit of Moslems. An appeal is provided from the Court of the Kadi to the Moslem Religious Court of Appeal.

The Rabbinical Courts of the Jewish Community and the Courts of the several Christian Communities have exclusive jurisdiction in matters of marriage and divorce and confirmation of wills of members of their Community other than foreigners, and, in regard to the constitution or internal administration of a wakf, or religious endowment constituted before the religious authority, they have jurisdiction in other matters of personal status of such persons where all the parties to the action consent to their jurisdiction. Where all the parties do not consent the jurisdiction is with the Civil Court. In case of conflict between the Religious Court and the Civil Court a special Tribunal is established to decide the question of jurisdiction. The judgments of the Religious Courts are executed by the process and offices of the Civil Courts.

The Civil Courts exercise jurisdiction, subject to special conditions, over foreigners, which expression includes any person who is a national or subject of a European or American State or of Japan, but not Ottoman subjects, or native inhabitants of a territory protected by or administered under a Mandate granted to a European State. Provision is made for securing to foreigners the right to be tried by a British judge or Court with a majority of British judges in serious criminal cases, and to have an appeal in a civil case tried with a majority of British judges in the Court of Appeal.

Matters of personal status affecting foreigners other than Moslems are decided by the Civil Courts, which apply the law of the nationality of the foreigner concerned unless that law imports the law of his domicile. A Court, in trying such matters, is constituted by the British President sitting alone, who may, however, invite the Consul or a representative of the Consulate of the foreigner concerned to sit as an assessor for the purpose of advising upon the personal law. Consuls can execute non-

contentious measures in relation to the personal status of nations of their State.

Part VI of the Order gives power to the High Commissioner to deport political offenders to such place as he may direct.

Part VII provides for the validation of Ordinances issued since the British occupation and for an indemnity for acts done under martial law.

Part VIII, which contains certain general provisions, provides that English, Hebrew and Arabic shall be the official languages; and all Ordinances and official documents of the Government shall be published in the three languages which may be used in discussions in the Legislative Council and, subject to regulations to be made from time to time, in the Government offices and the Law Courts. Another article provides that all persons shall enjoy full liberty of conscience in the free exercise of their forms of worship and that each religious community shall enjoy autonomy for its internal affairs.

Provision is made that any religious community or a considerable section of the population which complains that the terms of the Mandate are not being fulfilled by the Government, may present a memorandum through a member of the Legislative Council to the High Commissioner, which shall be dealt with in conformity with the procedure recommended by the Council of the League of Nations. A special Committee of unofficial members of the Legislative Council is to be appointed with which the High Commissioner shall confer upon any matters relating to the regulation of immigration. In case of difference of opinion between the High Commissioner and the Committee the matter shall be referred to the Secretary of State.

Power is given to exclude the territories to the east of the Jordan from the application of any part of the Order, and a Proclamation was issued with the Order in Palestine excluding the application of the whole instrument and declaring that separate provision shall be made for the administration of the Trans-Jordan territory.

The Legislative Council Election Order.—The Order provides for the first election of a Legislative Council, and defines persons to be considered Palestinian citizens for the purpose of the election as follows:

(1) Turkish subjects habitually resident in Palestine when the Order comes into force.

(2) Persons of other than Turkish nationality so resident who within two calendar months of the date make application for Palestinian citizenship.

The election of members is conducted by Primary and Secondary Elections, in accordance with the former Ottoman practice.

Every male Palestinian citizen over twenty-five years of age is entitled to a vote at the primary elections, unless under some special disqualification. Every District is divided into voting areas by the Governor in consultation with the Local Authorities, and having regard to the religious community to which the electors belong. The basis of election is for every 200 primary electors to elect one secondary elector.

Provision is made for the registration of voters and the revision of the register and for regulations to govern the system of voting. The secondary electors are to be formed into twelve electoral colleges according to the religious community to which they belong. It is provided that there shall be not less than two Christian and two Jewish colleges; and each electoral college will elect one member.

Candidates for election to the Council must be nominated by at least ten duly qualified secondary electors belonging to their religious community. Any person may be elected who is a Palestinian citizen over thirty years of age and is not under some special disqualification, including the holding of any office of profit under the Government or having any beneficiary interest in an agreement with the public service of Palestine otherwise than as a member of a company. The English law with regard to corrupt and illegal practices at Parliamentary elections is applied to the elections of the Legislative Council so far as the circumstances of Palestine admit. Provision is made for resignation of seats by non-official members and for filling up the vacancy by the electoral college which elected the resigning member. Lastly, special arrangements may be made for the conduct of primary elections in tribal areas.

Revenue.—Apart from the Appropriation Ordinances of the years 1921 and 1922 an Ordinance was passed amending the taxation of tobacco by way of increasing the duties on imported tobacco and reducing those on tobacco cultivated in Palestine. A further Ordinance (No. 26) was passed dealing with the sale and transport of tobacco and establishing a system of control of all movements of tobacco with a view to prevent smuggling.

A General Loan Ordinance (No. 23) was passed prescribing the conditions in which the Government may issue a loan either locally or through the Crown Agents or other persons in England. The Ordinance follows the colonial model, except that the Colonial Stock Act cannot at present be applied in Palestine, and therefore special provision has to be made for the issue of Palestine Inscribed Stock.

Another Ordinance (No. 4) provides for Municipal Councils raising loans secured on the property and revenue of the Council. The permission of the High Commissioner must be obtained and the Government takes power to retain revenue of the Council collected by the Government in order to meet any Government claims or liabilities in respect of the loan.

Banking.—The Banking Ordinance issued in 1921 was amended (No. 3) by way of simplifying the provisions as to the statements of assets and liabilities to be furnished annually by banking companies.

The Credit Banks Ordinance (No. 21) makes special provision for the institution in Palestine of banks lending money on immoveable security and for the supervision by the Government of the operations of such banks. The restrictions of the Ottoman Law of Mortgages against the mortgagee purchasing the mortgaged property when sold on foreclosure, are modified in favour of a credit bank, which may buy in the property if the highest bid offered at the auction is less than the debt due to the bank, provided that the purchase does not become absolute until an order of the Court is made at least six months after the sale. A mortgage of a leasehold interest for a period of more than five years is also expressly authorized in favour of a credit bank.

Every loan made by a credit bank on the security of agricultural property is subject to a condition for the relief of borrowers in a bad year, either by postponement of all outstanding instalments or by spreading such instalments over the remainder of the term. Power is given to the High Commissioner to appoint inspectors of such banks who shall at all times have access to their books and shall satisfy themselves that the business is being carried on in accordance with the pro-

visions of the Ordinance and of the company's memorandum. An annual report is to be made as to the conduct of the business of each credit bank. The High Commissioner may place restrictions on the operations of the Bank: (1) That loans shall be made only on first mortgage; (2) that uninsured buildings shall not be accepted as security; (3) that the amount of a loan shall not exceed a certain percentage of the value of the security.

Public Health.—The Anti-malarial Ordinance (No. 6) is designed to give the Public Health Authorities wide powers of taking precautions against the spread of malaria and of compelling occupiers of private property to carry out such precautions as they prescribe. The Ordinance is to be applied only in a municipal area or any place within three kilometres of the municipal boundaries or in a specified region. Occupiers of irrigated lands or gardens must take certain measures to prevent their drains, private canals or irrigation channels from providing breeding-grounds for mosquitoes, and the owners of marsh lands may be required to take measures to drain the area declared to be a source of malaria. Streams and water-courses must be kept in proper condition in accordance with the directions of the Department of Health, which after, giving due notice to the owner, may, on his default to comply with the notice, carry out the necessary measures and recover the cost.

Quarantine.—A Quarantine Ordinance (No. 19) gives the Government full powers to carry out, on the land and sea frontiers of Palestine, the measures required by the International Sanitary Conventions for preventing the introduction of epidemic diseases into the country by land or sea and its transmission abroad from Palestine.

British Gendarmerie.—A force of British Gendarmerie was established in Palestine during the year, and special provision was required for the maintenance of discipline in the force differing in some measure from that made last year for the Palestine Gendarmerie. The British Gendarmerie is constituted as a part of the Palestine Police Forces, for the appointment, suspension, etc., of any member of the force is under the exclusive control of the Commanding Officer. The Commanding Officer may try any gendarme summarily and may inflict penalties of fines and reduction of rank. Any other more serious penalty can be inflicted only by a Court of Discipline, which should consist of not less than three British commissioned officers from the Police Forces of Palestine. A Court of Discipline can inflict penalties up to imprisonment for five years and deportation from Palestine. The sentence of the Court may be confirmed by the Director of Public Security if it does not exceed imprisonment for a period of not more than two years. In other cases it must be confirmed by the High Commissioner. A schedule of the offences triable by a Court of Discipline is appended to the Ordinance (No. 7).

Companies.—The Companies Ordinance issued in 1921 did not include rules for dealing with winding-up. The omission is repaired by a special Ordinance (No. 12) on the subject, which adopts the English law about winding-up companies with considerable simplification. Two methods of winding-up are prescribed: (1) by the Court; (2) voluntary. The English form under supervision of the Court is not adopted.

An Ordinance (No. 8) amending the principal law of 1921 repeals the provisions requiring insurance companies to submit for the approval of the Government their table of premiums, etc.

Railways.—The Railway Ordinance (No. 10) provides for the regulation of railway traffic and replaces the rules of the Ottoman Penal Code in regard to railway offences. The General Manager of the Railways is given power to issue by-laws prescribing the conditions of travel upon the railway, fixing tariffs for transport of passengers, goods, etc. It is made an offence to deposit any inflammable material upon land within 15 metres of the railway line, and the Railway Administration is exempted from liability for damage caused to crops or agricultural land by sparks or cinders where the crops or land are within 8 metres of the boundary of the railway premises, or where the damage has resulted from the fact that the owner or occupier has cultivated it within such distance or deposited thereon inflammable material.

It is also made an offence for the owner of an animal to let the animal stray on the line, and any official of the Railway Administration is empowered to impound a stray animal until the fine is paid.

Intoxicating Liquors and Public Entertainments.—The licensing law which was contained in a number of Ottoman and later regulations is consolidated and amended by the Ordinance (No. 14), which provides that the licensing authority as to premises situate in a municipal area shall be the Municipal Council, and, as to premises situate outside such area, the Governor of the District. The District Commandant of Police must in every case authorize the issue of a licence and the Public Health regulations as regards the conditions of the premises must be observed. Separate licences are issued for manufacture, sale by wholesale and sale by retail, with or without authority for consumption on the premises. An application for the grant of a fresh licence must be exhibited at the Municipal Offices for a month, and any resident householder in the neighbourhood may make objection to the grant of the licence which will be considered by the licensing authority.

Provisions are made for forfeiting a licence where the licensee does not observe the conditions or sells intoxicating liquor during prohibited hours or permits any disorderly conduct on the premises or sells liquor to a drunken person. General and special closing orders may be made by the Governor. Lastly, the Ordinance revises the rates of taxation for licences.

Firearms.—This Ordinance (No. 20) likewise consolidates and amends the different regulations issued since the Occupation with regard to the carriage of and dealing in firearms. The Governor of the District is appointed as the licensing authority, and no person may have in his custody any firearm unless he holds a licence, the penalty being imprisonment up to six months, or, if the arm is of military value, up to three years. The only exception is in favour of Bedouin tribes living in the Southern District of Palestine, who may carry arms without licence provided they do not approach a railway or any town or village. Licences are available for a period of one year, and the firearm must be produced whenever required by the police authority. The section dealing with the manufacture or repair of firearms in Palestine follows the provisions of the International Convention regarding the traffic of arms.

Strict regulation is made for the control of all dealings in firearms. A certificate of sale of every firearm and of all ammunition sold must be given by the licensed dealer and the sale can only be made to a person holding a valid licence. Severe penalties are prescribed for the unlicensed import of arms or ammunition. The occupier of any house or

premises in which a firearm or ammunition is found is deemed to be the possessor in the absence of proof to the contrary.

Advocates.—The Ordinance (No. 13) regulates more precisely than the Ottoman law on the subject the conditions of admission of persons to practise as advocates in Palestine and the discipline of the members of the profession. No person may practise as an advocate, whether in the Civil Courts or in the Moslem Religious Courts, without a licence granted by the Chief Justice, save that a person may, with the leave of the Court, appear as a friend without remuneration on behalf of a party not represented by an advocate. A Legal Board, which consists of officials of the Government and not less than two practising advocates, is constituted to advise the Chief Justice with regard to the granting of licences. A person may be admitted to practise on proof that he is twenty-five years of age, of good character, has passed not less than two years' service in the office of a practising advocate and is adequately qualified by examination as to his knowledge of law. The period of service will be excused for a person who has been admitted to practise as a barrister in Great Britain or any part of the British Empire, or a person who has been admitted as an advocate in a country which requires a period of "stage" before admission, or any person admitted as an advocate in a country in which the Ottoman Codes are applied and who has actually practised for not less than two years before the Courts.

An advocate's licence is renewable annually and an annual fee of £E2 is payable. The Ordinance declares what are the professional duties of an advocate and provides for Courts of Discipline to be constituted by the Chief Justice, composed of a British President and two Palestinian members to examine any complaint of disgraceful or unprofessional conduct on the part of an advocate.

Young Offenders.—The provisions of the Ottoman Penal Code concerning the treatment of young offenders were amended by Ordinances issued under the Military Administration. It was found, however, desirable to make further changes in the law with a view to providing alternative methods to imprisonment for dealing with boy and girl criminals. The Ordinance (No. 1) provides that a young offender below the age of sixteen may be handed over to his parent or guardian upon his undertaking to be responsible for his good conduct, or, if a boy, that he should be sentenced to a whipping. A boy below the age of fifteen and a girl below the age of eighteen may be sentenced to detention in a Reformatory School for a period fixed by the Court, provided that a male shall not be detained beyond the age of eighteen or a female beyond the age of twenty. Any person below the age of twenty who is convicted by a Court may be released on probation, the Court, in lieu of passing sentence, making an order that he shall be under the care of a person designated. Probation Officers have the functions of similar officers under the English law.

Sand-drifts.—One of the special dangers to agriculture in Palestine is the drifting of sand from the sea over cultivable areas. The Turkish Administration took ineffective steps to check the evil, and this Ordinance (No. 15) was passed to give the Agricultural Department large powers to take measures for tackling the problem. The Chief Forest Officer can, on giving notice of a sand-drift, arrange with the villagers for doing the work required to check the inroad and for reclaiming the land covered

by the drift, provided that two-thirds of the tax-payers in the village agree.

Every male inhabitant over the age of fifteen years will be obliged to contribute each year up to six days' labour for the purpose of the work directed to be done by the Forest Officer, or in lieu thereof to contribute a sum of P.T. 20 in respect of each day. Any person having an interest in the land which is to be reclaimed will be called upon to co-operate with the work, and, if he declines, will forfeit his interest, The land when reclaimed will belong as common land to the inhabitants of the village which carried out the work subject to any arrangement made with the registered or unregistered owner who co-operated in the work.

In default of the villagers undertaking the work the Government itself may carry out any measures necessary for the purpose of checking encroachment, or may arrange with any person or corporation for the execution of the work.

Town Planning Amendment.—Certain minor amendments (No. 16) were made in the Town Planning Ordinance of 1921, providing that the President of the Municipality should be the Vice-President of a Local Town Planning Commission and amending the provisions in regard to the recovery of betterment tax.

Usurious Loans.—An Ottoman law fixed a maximum rate of interest at 9 per cent. and gave the Court power to reduce the rate where an agreement was made in contravention of the law. It was found, however, necessary to amend the law of evidence so as to make admissible evidence of usurious rate of interest where there was a written acknowledgment of a debt. The Ordinance (No. 11) provides that where the defendant to a claim based on a bill of exchange or promissory note, etc., pleads that the claim involves interest at an illegal rate the Court may receive evidence in support of the plea provided that nothing shall be considered to affect the rights of a holder for value in good faith of a negotiable instrument.

Moslem Wakfs and Moslem Religious Courts.—An order was issued by the High Commissioner constituting a representative Moslem body for the control and management of all Moslem Religious foundations and the Moslem Religious Courts. The Council consists of the President and four members, who are elected by Moslems throughout the country. The functions of the Council are to administer and control wakfs and approve the annual budget, to nominate and dismiss the officials of the Religious Courts and generally to exercise supervision over all Moslem Religious affairs. Nominations of the judges of the Religious Courts must be approved by the Government.

FOREIGN.

1. CHILE.

[*Contributed by* SEÑOR A. LABATUT.]

Land Valuation.—No. 3821, of January 5, extends the time for making the new valuation of landed property.

Public Works.—By No. 3835, of January 25, contracts are authorized for works in the ports of Valparaiso, Antofagasta, Constitucion, Iquique,

Talcahuano, Lebu, Puerto Saavedra and Valdivia, and for the construction of several railways.

By No. 3849, of February 22, 15,000,000 pesos is allocated for drainage works in several cities, and by No. 3851, of February 20, 3,500,000 pesos is allocated for works in the Fort of San Antonio.

A licence is granted by No. 3892, of October 24, to construct and exploit a port in the city of Concepcion.

Relief Work.—No. 3890, of October 19, allocates 5,800,000 pesos for expenses in connexion with the housing of dismissed workmen.

No. 3898, of October 15, grants 1,500,000 pesos for the relief of distress in connexion with the earthquake at Atacama and Coquimbo.

Revenue.—The collection of taxes for a term of eighteen months is authorized by No. 3836.

A tax is established by No. 3850, of February 21, on cards, phonographs and pianos.

No. 3852, of February 21, establishes a tax of 10 centavos for each metric quintal gross weight of the goods loaded or unloaded in the maritime or land ports of the Republic, and by No. 3854, of the same date, an additional import duty is levied on olive-oil coming from countries which tax the exportation of the raw material.

Finance.—No. 3830, of January 6, authorizes the State railways to contract a bank overdraft for 20,000,000 pesos.

No. 3845, of February 21, regulates contracts of current banking accounts and cheques.

No. 3858, of March 24, authorizes the expenditure of 200,000 pesos for the expenses of the delegates to the Chileno-Peruvian Conference at Washington.

No. 3880, of August 23, approves the budget of expenses of public administration for 1922, and No. 3878, of August 25, approves the budget of receipts and expenses of the State railways for the same year.

Military Forces.—No. 3995, of December 30, permits the residence of the forces of the army in the place of the sittings of Congress, and No. 3996, of the same date, fixes the sea and land forces for the year 1923.

Shipping.—No. 3841, of February 9, reserves to Chilean ships the carriage of cargo between ports of the Republic.

Embassies.—By No. 3859, of June 12, the Legations of Chile in the Republics of Brazil and Argentina are raised to the rank of Embassies.

Exchange of Titles.—No. 3860, of June 11, approves a Convention on exchange of titles made with the Government of Columbia.

2. FRANCE.

[*Contributed by* O. E. Bodington, Esq.]

Bills of Exchange.—By a law of February 8 various alterations are made in the Commercial Code relating to bills of exchange and commercial paper. The requirement that the "value received" shall be stated in the bill is abrogated. Article 113 provided that the signatures of married women and unmarried women non-traders on bills of exchange should only be equivalent to an ordinary promise to pay. Under the new provision their signature on the bill is valid with this qualification

that a married woman who has not been authorized to carry on trade must have the authorization of her husband.

Article 137 of the Commercial Code which required an endorsement in full comprising the date, the value received and the name of the endorsee is abrogated, and by the new provision only the signature of the endorser is required for the formal validity of the endorsement. A similar provision has been enacted in regard to promissory notes.

Article 138 has been modified in consequence and provides that the endorsement conveys title unless it is a clearly expressed intention of the parties that it shall only be valid as a procuration.

These are reforms which have long been clamoured for by the commercial community. The provision as regards endorsement in full had as a matter of fact become obsolete and the Courts have for a long time practically recognized an endorsement in blank as virtually equivalent to an endorsement in full.

Fine Arts.—By Article 29 of the Finance Law of December 31, 1921, the provision of the law of August 31, 1920, relating to the export of furniture and works of art prior to 1830 and works of painters, engravers, draftsmen, sculptors and decorators deceased for longer than twenty years is abrogated.

Article 33 of the same law provides that a list of moveable objects and private property existing in France which possess exceptional historical or artistic interest and which might be of a nature to figure in national collections shall be drawn up. The owners of these articles are notified of the entries concerning them and are bound to advise the Minister of Fine Arts of any prospective sale of the articles so inventoried. The Minister must inform the owner within fifteen days of this notice whether he intends to purchase the article in question. In case of public sale of curiosities, antiquities, old books and paintings and so forth a special tax of 1 per cent. is deducted for the Treasury of Historical Monuments (Article 36). On every public sale of works of art the State has a right of pre-emption.

Foreign Companies.—By a law of February 20 French and foreign companies having for their object to purchase real estate by the method of constituting annuities are subjected to the same supervision and control of the State as are life insurance companies under the law of March 17, 1905.

Code of Civil Procedure.—By a law of March 13 the periods for the return of legal process have been considerably altered and simplified. Formerly it was necessary to calculate the distance in myriameters (that is to say, ten kilometres) between the date of the citation and the date of the return in the case of the party cited being domiciled outside the district of the Court. This has been simplified by making the statutory period for the return three days in the case of the party cited being domiciled in the Canton or adjoining cantons, five days if he is domiciled in the other parts of the Department or other adjoining departments, and fifteen days if he is domiciled in any other part of Continental France. In case he is domiciled outside Continental France the periods have also been shortened in deference to the increased rapidity of communication. They were formerly two months for Corsica, Elba, England and the countries adjoining France; four months for the rest of Europe; six months for the countries outside Europe and on this side of the Cape of Good Hope, and for the rest one year. They are now,

one month for persons residing in Corsica, Algeria, Tunisia, Morocco, the British Isles and the States either of Europe or the littoral of the Mediterranean and the Black Sea with the exception of Asia Minor; two months for the rest of Africa, North America and Asia Minor; three months for Central and South America; and, lastly, five months for Asia, Oceania and all other countries not previously designated. These periods are doubled for overseas countries in time of maritime war.

Leases.—A law of March 31 has finally fixed the legislation in regard to leases, both pre-war and post-war, dealing with the question of final prolongations thereof and procedure. A detailed analysis of this extremely intricate law would be beyond the scope of the present notice.

Marriage.—The law of April 28 abolishes the "Acte respectueux" in the case of children between the ages of twenty-one years and twenty-five years and provides that they must produce the consent of their father and mother or the survivor of them, but that in default of this consent they may serve a notification on their parents through a notary asking for their consent, and fifteen days after this notice the marriage can take place whether the consent is or is not forthcoming.

Legitimatized and Natural Children.—Article 333 of the Civil Code is modified by a law of July 1 which substantially provides that the certificate of birth to be produced by a legitimatized child shall not mention the fact that he was born prior to wedlock. The law of July 22 provides by way of modification to Article 57 of the Civil Code that if the father or mother of a natural child or one or other of them is not designated no mention of this fact shall be made on the register. This gets rid of the slur conveyed in the certificates of birth of natural children as hitherto delivered arising from the endorsement "père non dénommé"; and the provision is made retrospective.

Excess War Profits Tax.—By Article 7 of a law of August 10 in case of sale or transfer of a business, house or ship, the proposed purchase must be notified to the Fiscal Authorities of the department in which is situated the house or the business or in which the ship is registered, together with the names and profession of the vendor. This is for the purpose of enabling the French Treasury to exercise its priority over the proceeds of the sale for the payment of this tax. It is extremely important to observe this prescription in the case of property of the kind described about to be conveyed to a company in formation.

Pilfering on Railways.—The provision of Article 383 of the Penal Code is extended by a law of October 27 to pilfering in railway carriages or baggage cars or postal cars, that is to say, the offence is punishable by hard labour for life when it is committed by means of two of the following circumstances:

(1) By night; (2) by two or more persons; (3) by persons bearing arms apparent or hidden; (4) by means of breaking into the car or scaling the car, by means of false keys, or by assuming the title or uniform of a public servant or civil or military officer or by alleging a false order from the military authorities; by means of violence or threat to make use of their arms. If the offence is only accompanied by one of these the penalty is hard labour. In all other cases the penalty is solitary confinement (*reclusion*).

3. UNITED STATES OF AMERICA.[1]

Federal Legislation.

International Relations.—Defects in the law regulating the importation and exportation of narcotic drugs led to the passage of Public 227, 42 Stats. 596, which greatly strengthens the law in these respects. The new law prohibits the importation of all manufactures of coca leaves and opium as well as smoking opium, but permits the importation of crude opium and coca leaves in such amounts as a board, composed of the Secretaries of State, Treasury, and Commerce, finds necessary for medical and legitimate uses. The import restrictions are extended to the possessions of the United States. The prohibitions of the old law against the in transit shipments and trans-shipment from one vessel to another within United States waters of smoking opium are continued, but such shipment and trans-shipment of all other narcotic drugs are also prohibited unless the approval of the board has been obtained. Penalties and administrative provisions relating to importation are greatly strengthened, and all alien violators of the import provisions are to be deported by the Secretary of Labour after the termination of the terms of imprisonment.

The new law prohibits exportation to any country that has not ratified the Opium Convention of 1912, and even then exportation may be made only if (1) such country maintains a licence system deemed adequate by the board for the control of importation, (2) if the drugs are consigned to any authorized permittee, and (3) if the board finds that the drugs are to be applied exclusively to medical and legitimate uses, that they will not be re-exported from the country of destination, and that there is an actual shortage and demand for the drugs for medical and legitimate uses within such country.

Administration of Justice.—Public 298, 42 Stats. 837 makes important changes in court administration, tending to make the system more of a unit for the dispatch of causes. A conference must be called annually by the Chief Justice, to be attended by each senior circuit judge, or if he cannot come, another to be designated by the Chief Justice. The conference considers reports made by the senior district judges in each district, and the Attorney-General's surveys of the condition of court business and plans for improvement. The senior circuit judge in any circuit may, at the request of a district judge, assign another district judge to help him, if necessary, or the Chief Justice, on the request of the senior circuit judge, may designate a district judge of another circuit for the purpose, with the consent of the senior circuit judge of his circuit. Judges of the Court of Customs Appeals may be designated to serve in the District of Columbia Supreme Court or Court of Appeals when the Chief Justice of either court requests. A new circuit judge is given the fourth circuit and the salary of circuit judges is made $8,500 a year. A circuit judge is no longer required to reside in his circuit, but must be so resident when appointed. Additional district judges are authorized.

Public 144, 42 Stats. 366 requires that on a writ of error in a suit involving the validity of a contract, where it is claimed that a change

[1] Summarized from the Report of the Committee of the American Bar Association on noteworthy changes in Statute Law.

in the rule of law or construction of a statute by the highest State Court, would be repugnant to the constitution, the Supreme Court shall re-examine the new state decision and reverse or affirm it. This attempt to make the Supreme Court prevent the state courts changing their jurisprudence to the injury of contracts entered into on the faith of the old rule, is interesting.

Commercial Regulations.—The effort of an earlier session to regulate future trading in grain by the use of the taxing power having been held unconstitutional by the Supreme Court in Hill *v.* Wallace, 259 U.S. 44, Public 331, 42 Stats. 998, reaches the same result by the use of the interstate commerce power, by making it unlawful for any person to make or execute any contract of sale of grain for future delivery on or subject to the rules of any board of trade which is or may be used for hedging any transaction in interstate commerce, or determining the price basis of any such transaction in interstate commerce, or delivering any grain sold, shipped, or received in interstate commerce for the fulfilment of such contract, unless the seller is the owner of the actual physical property, or the grower thereof, or unless the contract has been made by or through a member of a board of trade which has been designated by the Secretary of Agriculture as a "contract market." In order to be designated a contract market, the board of trade must comply with regulations laid down by the Act, and by the Secretary of Agriculture, to cure the evils sought to be remedied by the Act. The Act has been held constitutional by the Supreme Court in Board of Trade of Chicago *v.* Olsen (decided April 16, 1923). 43 Sup. Ct. 470.

Taxation.—Public 518, 42 Stats. 1499, seeks to broaden the extent to which states may tax national banks. S. 5219 of the Revised Statutes, authorizing the taxation of national bank shares, provided that the rate should not be greater than that assessed "upon other moneyed capital in the hands of individual citizens." To the surprise of Congress the Supreme Court in Merchants National Bank of Richmond *v.* the City of Richmond, 256 U.S. 635, held that while the term "moneyed capital in the hands of individual citizens" did not include shares of stock in corporations that do not enter into competition with national banks, it does include something besides shares in banking corporations and others entering into direct competition with national banks. The court held that the term not only included money invested in private banking but investments of individuals in securities that represent money at interest and other evidences of indebtedness such as normally enter into the business of banking. The Act amends s. 5219 of the Revised Statutes so as to authorize the states to tax national banks in any one of three ways, either method to be in lieu of the others: First, taxation of the shares, but at a rate not greater than assessed upon other moneyed capital in the hands of individual citizens, coming into competition with the business of national banks, but bonds, notes or other evidences of indebtedness in the hands of individual citizens not employed or engaged in the banking or investing business, and representing merely personal investments not made in competition with such business, are not to be deemed moneyed capital within the meaning of the section; second, taxation of the net income of the bank, but the rate is not to be higher than the rate assessed upon other financial corporations, nor higher than the highest of the rates assessed upon the net income of mercantile, manufacturing and business corporations;

third, inclusion in the taxable income of the owner of the shares of the dividends therefrom, but the rate is not to be greater than is assessed upon net income from "other moneyed capital." The definition of "moneyed capital" laid down in connexion with the taxation of the shares is apparently also applicable to the tax on the dividends. The Act further provides that in the case of non-residents the tax shall be assessed in the taxing district where the bank is located, and the bank shall make the return and pay the tax as agent of the non-resident.

Two important amendments to the Revenue Act of 1921 are contained in Public 545, 42 Stats. 1560. Under the Revenue Act securities held for investment could be exchanged for other securities of a like kind free of tax. Owing to the widespread evasion of taxation by investors taking advantage of facilities offered by many brokers for exchanging securities, the revenues of the Government were seriously affected. The Act amends the Revenue Act so as to prohibit this practice in the future. It further amends the Act in respect to profit in cash made by exchange of stock in case of reorganization for stock and cash in the new corporation; to prevent a corporation's dividing its surplus among its stockholders in the guise of a reorganization. Public 527, 42 Stats. 1504, allows a claim for refund of income tax for 1917 within two years from the date on which the tax was paid, instead of five years from the date on which the return was filed.

Domestic Relations.—Public 332, 42 Stats. 1004, is interesting as the idea of Congress on divorce. It applies only to the Canal Zone, but its liberality is an earnest of what will follow the vesting in Congress of power to enact a divorce law for the United States. Desertion, non-support, extreme cruelty, are some of the grievances. Residence requirements are one year in the Zone but any person having therein an official residence, or a residence for any employment is deemed a resident though his permanent residence is elsewhere. Service by publication is permitted only where both parties have their legal domicile in the Zone, one having wilfully refused to return, or, where the marriage celebrated in the Zone, the defendant has left the Zone. Public 346, 42 Stats. 1021, changes the law in respect to naturalization of married women. They no longer lose their American citizenship by marrying a foreigner, nor do they acquire citizenship by marrying an American. It is made easy for a foreign woman to acquire the citizenship of her American husband, and if an American woman marrying a foreigner resides with her husband without the country, a presumption of loss of nationality arises.

Government.—Steps towards relieving Congress of private claim bills, and towards an administrative settlement of small claims, are Public 374 and 375, 42 Stats. 1066. Inasmuch as the United States cannot be sued without its consent, Congress has, from time to time, provided methods for suing the Government, but no general statute covering claims founded on tort has ever been enacted, though a few of the executive departments have, from time to time, been authorized in a very limited way to settle very minor claims. The result is that persons having claims for injury and damage caused by the negligence of Government employees, notably automobile truck drivers, have been obliged to resort to the method of seeking the passage of a private bill through Congress. The Committee on Claims of the House of Representatives states that nearly one-third of the bills filed with that committee are for amounts less than $1,000, and the majority of these are

claims for damages arising from accidents involving Government owned trucks. In Public 375 authority is given to the head of each Government department to adjust and determine any claims accruing after April 6, 1917, on account of damages to or loss of privately owned property, where the amount of the claim does not exceed $1,000, caused by the negligence of any officer or employee of the Government acting within the scope of his employment. Amounts found due are to be certified to Congress as legal claims for payment out of appropriations made therefor. No claim is to be considered unless presented within one year from the date of its accrual.

State Legislation.

Administration of Justice.—Oregon 149 establishes a judicial council with the Chief Justice as chairman. He shall appoint one associate justice and three judges of the courts of record as members of the council for one-year terms and may invite the presidents of the State Bar Association and of the State Attorneys' Association or other members of the Bar to attend the council and " advise it in the performance of its duties." The council must report annually to the Governor on the work of the courts and to the Supreme Court on the operation of rules of pleading and practice and recommend simplified procedure. The judges of all courts, including courts not of record, must report to the chairman at such times and in such manner as he shall prescribe respecting the condition of the judicial business of the court. There shall be an annual meeting of all judges of courts of record to consider recommendations and complaints in respect to the business of the courts and their officers and in the operation of the rules. The council is authorized to hold public meetings and administer oaths and require the attendance of witnesses and the production of books and documents. A witness who testifies falsely or fails to appear when summoned is subject to the same orders and penalties to which a witness before a court is subject. Any circuit judge on the application of the council may compel attendance of witnesses, production of books and papers, giving of testimony by contempt proceedings. The executive secretary of the council is to be appointed by the council to serve during its pleasure.

Attorneys.—New Jersey 124 requires women attorneys who marry to sign their names the same as at the time of their admission to the Bar, followed by the husband's surname. Women attorneys are also required to file a written statement of the intended marriage and change of name with the Supreme Court.

Domestic Relations.—The new position of woman is emphasized by Equal Rights Acts. Indiana 63 comprehensively enumerates the changes, abolishing legal disability to contract of married women, allows them to hold and convey property as if single, except to make executory contracts to mortgage or convey real estate, or unless the husband joins, to mortgage or convey it. Married women are liable for torts, and the husband is not liable for contracts or torts of his wife unless the tort is committed by his direction, in his presence or with his consent. Nor is he liable for his wife's debts as a sole trader, or for repairs to her real estate. A wife resident in the State has the same exemption of property from seizure as a householder. The Act also provides for the support of a deserted wife by her husband. Equal rights to guardianship of children

is given by Nevada 4 and Tennessee 41. New York 235 provides that there shall be no *prima facie* right to the guardianship of a minor in either parent when separated, but the best interests of the child shall be decisive. North Dakota 153 gives to fathers and mothers of minor unmarried children equal rights regarding savings and custody. Formerly the father was solely entitled. Massachusetts 305 now requires the consent of both parents to the marriage of a minor, instead of the father, the mother only if he was dead or incapacitated, and Vermont 59 permits a married woman to adopt a person or change her own name, but with the consent of her husband.

Eugenics is evident in Nebraska in 40 which forbids the marriage of persons afflicted with venereal disease, and provides that no person who has been adjudged afflicted with hereditary epilepsy or insanity shall marry until submitting to a sterilization operation. Persons intending to marry are required to file a written notice of intention within ten days before obtaining a licence, unless special permission to do otherwise has been obtained from the County Court, with whom such notices must ordinarily be filed. An affidavit of freedom from venereal disease is to be required of each applicant for a licence.

Crimes.—This year's Legislation relating to crimes reflects the general trend toward new strictness in the punishment of crimes of violence. New York 504 makes a robber who makes use of an automobile or motor vehicle in the commission of his crime guilty of robbery in the first degree. Oklahoma 85 makes robbery or its attempt punishable by a minimum imprisonment of twenty-five years. Utah 30 makes assault with a deadly weapon with intent to commit robbery punishable by imprisonment for a term of five years to life. Connecticut 46 increases the maximum punishment for mayhem and robbery from ten to twenty-five years. In Hawaii 264 the three degrees of manslaughter have been abolished, and all offenders are now punishable in the same way. New Mexico 110 increases the maximum penalty for rape from ten to fifty years, and the maximum penalty for statutory rape from twenty to ninety-nine years. Massachusetts 280 makes assault with a chemical with intent to maim, and the assistance in such an assault punishable in the same way as mayhem. South Dakota 160 makes it a felony to release or spread disease germs with intent to accomplish the infection of a person or domestic animal. Rhode Island 2365 provides that attempted larceny shall be punishable in the same way as larceny, while Connecticut 14 makes the attempt to commit any crime or misdemeanour subject to the same penalty as the accomplished act. Wyoming 12 establishes and defines slander, and North Carolina 78 has a Peeping Tom's Act. Idaho 109 attempts to free society from habitual criminals by providing that where a person has been thrice convicted of a felony, whether within or without the State, he is to be decreed a persistent violator of the law, and may be sentenced to prison for not less than five years and may be sent there for life.

Embezzlement seems to have occupied the attention of the legislatures to a noticeable extent. Massachusetts 451 imposes upon public officials embezzling in the performance of their duties the additional penalty of forfeiture of office. Nebraska 95 provides that where an agent engages in a series of embezzlements during the same employment, all the offences shall be joined and considered as one act, with suitable punishment. Massachusetts 241 punishes passive bribery of police officers by forfei-

ture of office and permanent disqualification for public office. Michigan 146 also punishes bribery of public employees.

There has been considerable regulation of the possession of dangerous weapons. Massachusetts 248 makes it unlawful to possess a revolver in a vehicle. Oregon 70 prohibits persons convicted of murder or manslaughter from carrying firearms. Minnesota 160 and New Mexico 4 have Acts forbidding the wearing of masks in public places with intent to conceal the wearer's identity, and so have North Dakota 240 and Illinois 318, which increases the penalty in case of certain violent crimes if committed by hooded or masked persons.

There are numerous Acts dealing with offences against property. New Mexico 122 makes it larceny to steal automobiles, accessories and tyres. Pennsylvania 261 makes it unlawful to deface identification marks on machines or other apparatus, with intent to conceal its identity. Massachusetts 347 punishes the concealment of an automobile insured against theft, with intent to defraud the insurer. In Wyoming 40 it is made a felony to secrete another's personal property with intent to conceal its identity. Legislation against the use of high explosive in the destruction of the property of others is contained in North Carolina 80 and New Mexico 115. Tennessee 122 and Idaho 189 punish setting fire to the property of others. Wyoming 38 and Colorado 94 prohibit the mutilation of public sign posts and bill boards.

Legislation directed against fraud is quite common. New Hampshire 5 prohibits the fraudulent issuance of checks. Minnesota 7 makes it a misdemeanour to furnish false statements for publication in newspapers, and Connecticut 265 is a similar Act directed primarily against fraudulent advertising. Nevada 193 penalizes misrepresentation as to a business solvency, made with intent to obtain credit. Colorado 93 increases the penalty for obtaining money through confidence games, and North Carolina 138 makes it a misdemeanour to operate a slot machine which does not give the same return in market value each time a coin is placed therein. Missouri H. B. 658 makes it a felony to conspire to restrict bids or limit the number of bidders on contract for State highways. New York 90 and Pennsylvania 159 make the reproduction of archæological objects, with intent to deceive, a crime.

California 362 amends the definition of burglary which formerly made burglary committed in the night time first degree, so that hereafter night time burglary of inhabited houses or buildings and any burglary by day or by night committed by a person armed with a deadly weapon or who assaults any person in the commission of the burglary, is first degree. On the other hand, there is an interesting lessening of the minimum penalty in the case of rape of girls under sixteen. By the old rule it was a minimum of five years and no maximum was established. By 130 a maximum of fifty years in the State prison and a minimum of one year in the county jail is set up. But 224 allows the Court to direct an operation to prevent procreation to be performed on any person convicted of carnal abuse of a female under ten. 261 makes concealment of a person who has committed a felony punishable by imprisonment; formerly the Act applied only to thieves and robbers.

Among the general criminal Statutes the following are interesting:

Michigan 99 makes it unlawful to accept wagers on races, games or the happenings of uncertain events. Colorado 96 penalizes the soliciting of personal injury claims with intent to prosecute them outside the

State. Connecticut 124 forbids persons to stop a moving vehicle on a public road to solicit alms or subscriptions. Another Connecticut Act 231 prohibits the display of a clock showing any time other than standard time. Acts of a similar nature were passed in Wisconsin 244 and New Hampshire 105 forbidding municipalities to adopt systems of time other than standard time. Wisconsin 206 makes it a crime for the operator of a jitney to cross a railroad grade crossing without coming to a full stop.

Administration of State Governments.—New York by 867 makes a step towards consolidation of the State Government. A new department of Public Works under the Superintendent of Public Works, a constitutional officer appointed by the Governor, is created with three bureaux, canals, highways and public buildings. Subordinate officers are appointed by the Superintendent. New York intends to be beforehand with the next housing crisis. By 694, a Bureau of Housing is established in the Department of Architecture to study housing, zoning and city planning and existing rental conditions and to advise the Governor and legislature in emergencies.

An important step in the management of litigation for the State is taken by Wisconsin 240. Any civil action prosecuted by the Attorney-General by direction of any officer, department, board or commission, shall be compromised or discontinued when so directed by such officer, department, board or commission. Any civil action prosecuted by the Attorney-General on his initiative or at the request of any individual may, in his discretion, on approval of the Governor, be compromised or discontinued. In any criminal action prosecuted by the Attorney-General, he and the deputy and Assistant Attorneys-General shall have the same powers with reference to such action as are vested in District Attorneys.

Rhode Island 2351 makes a tentative step to the Budget by requiring State Boards, with the exception of the legislature and the judiciary, to submit to the Governor and the General Assembly an annual estimate of appropriations necessary to meet expenses, and a statement of income and expenditures for the three fiscal years next preceding, together with such explanations as may be required by the Governor. The Governor may appear before any legislative committee and be heard in respect to appropriation measures pending before the committee. Heads of boards or departments may be required by the Governor or by the committees to appear before such committees and testify under oath as to details of the statements submitted. Massachusetts by 300 requires officers having charge of departments receiving annual appropriations from the State to file annual statements showing the revenue for the fiscal year, expected receipts for the ensuing fiscal year, and recommendations as to changes in the management, practice, rules, regulations or laws governing the department or undertaking in their charge which would effect an increase or cause a decrease in revenue from operations or which would facilitate its collection.

Virginia devises a weapon against rings among bidders for State work in 165 by regulating highway contractors' associations and requiring information from such associations and that members bidding on highway work must file with their bids statements giving name and location of principal office of every such association of which the bidder has been a member in the past twelve months, together with an affidavit that he

has not entered into any combination or agreement with anyone the effect of which is to prevent competition or increase cost of construction. Any contract may be cancelled if it is found that any association of which the contractor is a member has tended to prevent competition or increase cost or brought political influence to secure the contract for the member.

A rather surprising lack in the proper equipment of a State like Indiana has been filled by 31 which adopts the flower of the tulip tree as the flower of the State. No State will have a State flower that can overlook that of the State of Indiana.

Elections.—Absent voters are having their right of franchise widely recognized. Washington 58 extends to absent voters the power to vote for county and precinct, as well as Federal and State Officers. Idaho 57 and Nevada 117 extend the absent-voter privilege to those persons who, because of physical disability, expect to be confined to their homes on election day, but the Nevada Act requires personal registration before the voter is qualified to vote again. Oregon 53 amends its law to include in the term "absent voters" the members of the immediate families of students and officers or employees of the United States, and also railway employees. Hawaii 263 extends to those employed upon ships the right to vote two days before elections wherever by reason of the vessel's sailing on election day they would otherwise be deprived of their vote. Nevada 207 devises a method of voting by mail for voters who reside in sparsely populated rural districts. Utah 99 also has an Act designed to facilitate voting by persons who are some distance away from the polls. Wyoming 101 in a new absent-voter law, somewhat restricts the privilege heretofore awarded them by requiring that they present themselves in person at the polls if they are within their counties on election day. Nevada 90 provides for personal registration of absent voters. California 283 is an absent voters Act. Arkansas 619 permits and regulates absent voting by persons in the military or naval service of the United States.

A few States have put further restrictions upon existing voting privileges. Connecticut 189, in an Act directed at the City of West Hartford, forbids the use of proportional representation. New York 809 makes certificates of school authorities the only satisfactory evidence of literacy, thus taking the matter out of the hands of the election officials who formerly jointly administered the literacy laws. Oregon 126 provides for a literacy test, but is conditional upon adoption of a constitutional amendment providing for such a test.

Uniform State Legislation.—A large number of States have accepted the Statutes approved by the National Conference of Commissioners on Uniform State Laws, particularly the more recent Acts. In all thirty-two of these Acts were adopted, as follows:

Uniform Sales Act—New Hampshire 122.

Uniform Bill of Trading Act—Nevada 124.

Uniform Stock Transfer Act—Indiana 24, Arkansas 387.

Uniform Flag Act—South Dakota 294, Tennessee 25, Michigan 222.

Uniform Limited Partnership Act—South Dakota 296, Massachusetts 109.

Uniform Depositions Act—Tennessee 26.

Uniform Illegitimacy Act—New Mexico 32, South Dakota 295, Nevada 87, North Dakota 165.

Uniform Fiduciaries Act—New Mexico 26, North Carolina 85, Pennsylvania 256, Colorado 65, Nevada 44.

Uniform Aeronautics Act—Utah 24, Nevada 66, Hawaii 109, Tennessee 30, Michigan 224, Delaware 1, North Dakota 1.

Uniform Declaratory Judgments Act—Pennsylvania 321, Wyoming 50, Colorado 98, Tennessee 29, North Dakota 237.

Uniform Proof of Statutes of Other Jurisdictions Act—Tennessee 6.

Uniform Desertion and Non-Support Act—Nevada 170.

Prohibition and Narcotics.—These two subjects have been brought together because the action of State and nation in both cases, in administering repressive legislation, involves the same main problems of adjusting the relations of two governments acting in legal independence in the same territory.

The session laws bear witness to the unflagging interest in prohibition over the length and breadth of the land. Perhaps the greatest stir was made by the repeal of the New York Prohibition Law, 871, leaving that State with only the Volstead Act as a means of enforcing the 18th amendment; but Nevada is in the same plight by a decision of her highest Court handed down July 3, declaring unconstitutional the new Prohibition Act, 37, *ex parte* Mantell, 216 Pac. 509. The old Acts had been repealed, 7 and 31. This Act is notable as a copy of the Wright Act of California adopting the penal provisions of the Volstead Act and all future amendments thereto, as the law of the State. The Wright Act has been held constitutional in California in so far as it adopts the Volstead law, but bad in its attempt to include amendments. *Ex parte* Burke, 212 Pac. 193. New Mexico 118 has also adopted the Wright Act. North Carolina 1 is an Act repealing the existing prohibition law which defined intoxicating liquor as such a composition as would produce intoxication, and merely prohibited the manufacture and sale of such liquor, and substitutes therefor a prohibition against the transportation, manufacture, or sale of liquors containing more than one-half of 1 per cent. alcohol, thus making the State law conform to the standards prescribed in the Volstead Act. Pennsylvania 25 repeals the old and enacts a new measure, defining intoxicating liquors as those so declared by "Acts of Congress passed . . . from time to time." The Act forbids manufacture, sale or transportation of liquor with more than one-tenth of 1 per cent. of alcohol, but excepts non-intoxicating cider and fruit juice if for home use. Places where liquor is sold are nuisances. North Dakota 268 makes the regulations of the use of liquors more stringent and increases the penalties provided for violation. The new crime of engaging in the liquor traffic is created. Physicians must personally administer intoxicating liquors prescribed for patients. Texas, second session, 22 extends her prohibition Act to make possession for the purpose of sale, illegal, and to prohibit possession of stills. Possession of a still is made criminal and any animal or vehicle used to transport intoxicating liquor is declared a public nuisance.

Missouri S.B. 124 is a general Prohibition Act, and Kansas 135 tries to stop the evil at its source by prohibiting brewing any mash which can be distilled. The penalties under the Act are increased by Indiana 23, which shows distrust of the leniency of judges by depriving them of the power to suspend sentence, as does also 33 and 34 penalizing the possession of stills.

There are many subordinate crimes into which liquor enters. The

quality of bootleg liquor should be improved by enforcement of Florida 150 making it a felony to adulterate liquor intended for beverage purposes with wood alcohol or other poisonous ingredients, or by conviction under Oklahoma 2, Tennessee 4, or Iowa 271, which make the seller or giver of liquor, the drinking of which is fatal, a murderer in the first two, and guilty of manslaughter in the third state. In Tennessee, if he did not know it was poisonous, his crime is voluntary manslaughter, or, if the result of drinking is loss of eyesight, a common effect of wood alcohol, he is a felon. Illinois 317 forbids sale of a compound containing wood alcohol or poisonous liquor "for beverage purposes" and if death results from use of the beverage, the sale is murder. Maine 98 makes it criminal conspiracy for two or more persons to conspire that one shall sell liquor to the other in violation of the law. By New Mexico 10, it is a felony to sell or give liquor to a minor. Oregon 9 makes it a felony to manufacture unlawfully or sell intoxicating liquors or aid or assist therein if the person at the time of doing so carries any firearm or other deadly or dangerous weapon. The Nevada legislature believed that prohibition does not entirely prohibit, as Nevada 165 makes it unlawful for persons under the influence of liquor to loiter in public places.

Anti-narcotic legislation reflects the growing appreciation of the drug evil. The penalties are made more severe; breach of the law is now a felony in Oregon 27, Washington 47, Michigan 92, Iowa 569, and Wisconsin 392, while in New York the sale of cocaine or eucaine except on a physician's certificate or in the trade at wholesale, is also a felony. Possession of drugs illegally obtained is a crime by the Washington, Wisconsin and Iowa Acts and by Nevada 33; it is made *prima facie* evidence of a violation of the law by illegal use by that of Michigan, while Kansas 136 makes such possession presumptive evidence of violation. The Oregon and Washington laws add Indian hemp, or hashish, to the drugs regulated, and South Dakota 159 makes dealing in or possessing peyote or mescal a misdemeanour. The same State, 191, requires a record to be kept by druggists and physicians, of habit forming drugs disposed of, in conformity with the rules of the Treasury department. Nevada 33 is a general regulatory Act, and Minnesota 235 requires commitment for cure of addicts, as do the general statutes. Oregon 116 makes the special funds for enforcement of liquor laws, available for narcotic enforcement, and puts narcotic fines in the special fund. Hawaii 132, with its Chinese population, finds it necessary to make it a misdemeanour to maintain or to resort to, a place for smoking opium, the least dangerous of the forms of narcotism. North Dakota 258 makes places where drugs are used or stored in violation of the Act a nuisance, and by 257 prohibits use or possession of peyote or mescal. New Mexico 42 adds hashish to drugs regulated. Texas, second session, 8 strengthens her Act by following the usual rule of making possession of narcotics for unlawful use, a crime, and if, during such possession, the offender is armed, a felony. California 213 prohibits the having in possession or sale or gift of opium, its products, cocaine, hashish "or other potent narcotic drug or any derivative or compound thereof"; excepted from the Act are physicians, dentists, veterinary surgeons in the course of their professional practice, pharmacists and individuals having prescriptions and certain exempt preparations. Violation is a misdemeanour. Arkansas 596 lines up the State behind the federal

prohibition law in respect to possession and use of narcotic drugs by institutions and wholesale druggists with registered pharmacists in their employ, by making it lawful for them to use and sell such drugs only in pursuance of the Federal Narcotic Act "and the rules and regulations thereto appertaining." Arizona 48 absolutely prohibits selling or giving away peyote or any compound, derivative or preparation thereof.

Labour.—The legislatures show caution in approaching the thorny and debatable problem of the regulation of labour disputes. An Act making it unlawful for a person acting alone or with others, by threats or violence, to induce a workman to leave his employment, was passed in Utah 95, and Wisconsin 55 amended a similar law on its Statute Books by providing that it should not prohibit persons from advising or persuading others "by peaceful means to refrain from working at a place where a strike or lockout is in progress," if they acted away from the place of employment.

Hawaii 189 is an anti-picketing Act. Wisconsin by 208 extends its law limiting injunctions in labour disputes to apply to "any dispute whatsoever" concerning employment; previously it only covered disputes over terms or conditions of employment, the injunction can issue only on reasonable notice, never less than 48 hours; and by 37 takes a step advocated by the unions, requiring issues of fact arising from violation of such injunctions to be tried by a jury. Nevada 151 makes it unlawful for any person to name or cause to be circulated a notice of a strike unless it is signed by at least three persons who, at the time of signing, were residents and citizens of the State for six months. A copy of any strike notice is to be furnished to the State Labour Commissioner.

An interesting solution of an interstate problem is suggested by Indiana 177, a coal mine Act. If the mine opening is located in another State and has workings underground in Indiana, compliance with the laws of the other State is compliance with the law of Indiana in respect to such workings. Employees in such workings are subject to the law of the other State in respect to their employment including compensation and suits for damages.

Commercial Regulations.—The great amount of legislation regulating certain business is, perhaps after prohibition, the most striking thing in the session laws of 1923. This year only follows the last in this respect, and that the year preceding. As contact between producer and consumer reaches the disappearing point, so that direct protection against poor quality products become impossible, the small consumer has no other resource than to appeal to the government to assure him against fraud. So came about such measures as the Pure Food and Drug Acts, of which North Dakota 222 is an example, and the commercial Fertilizer Acts, requiring labelling of fertilizers, as Oklahoma 32 does this year, or Stock Feeds Acts like Kansas 105. Blue sky laws testify to the craving for an official stamp by the small buyers who do not trust their own judgment, and have learned to doubt the word of others.

Dairy products are notably subject to such regulations. Here the element of protection of the farmer against competition enters in mightily. It was the dairyman protecting his butter market who led the anti-oleomargarine fight of decades past and the same influence may be passing the Filled Milk Act and the Act forbidding the use of names or pictures of breeds of cows or the words, butter, cream, milk in the

sale of butter substitutes. The first Act forbidding the sale of milk or cream to which oil or fat not milk fat is added passed in a dozen States for examples Idaho 37, Massachusetts 170, Michigan 23, and the second in half as many—New Hampshire 36 is typical. These Statutes illustrate another important tending, that towards uniformity in regulating legislation throughout the country by important groups interested in a particular business, adopting a bill which they push in all the States. So the Third House of the Legislature, the representatives of that part of the public interested in a particular measure, and advising the official law makers, tends to become national rather than State.

The protection of the grain grower against the middle man is the basis of another very numerous class of statutes, grain grading and warehouse Acts. Here the Federal Government had to be called in, the grain business being largely interstate, and the problem of State and Federal Regulation of substantially the same articles and buildings had to be met. As in the situation arising from the Food and Drugs Act, the Federal Acts are being taken as models by the States.

Protection of both producer and consumer against monopoly appears of late years in a new form. It is made unlawful to buy products or sell them at different prices in different sections, except as justified by varying quality or transportation charges. This rule is applied to milk products by Wisconsin 406, South Dakota 195, and Idaho 121, to potatoes by Michigan 208, to coal, oil, gasoline or other products of the soil of the State by Wyoming 82, to gasoline by South Dakota 203. Wyoming 86 carries the issue further by making it unlawful to enter into a plan to prevent competition or for discrimination between localities or for dealers to charge more for goods manufactured in the State than is charged in other States. Washington in the same sense, 134, forbids commission merchants entering pools to affect market prices and South Dakota 307 makes pooling in purchase and storage of grain by warehouses unlawful.

Self-protection for farmers through association is emphasized by the passage of bills to facilitate co-operative marketing of agricultural products. The familiar Act creating associations for this purpose became law in Missouri 143, 439, Minnesota 131, Tennessee 100, Massachusetts 438, South Dakota 15, Illinois 286, Wyoming 83, Utah 6, Connecticut 251, Maine 88, Colorado 142, New Mexico 36, and Florida 182. These Acts contain the exclusive sale contract clause, binding members to sell through the association which necessitates often the declaration that these laws are not in restraint of trade, as New Mexico 37.

Insurance.—The interesting question, sometimes inaccurately treated as one of insurable interest, as to whether a corporation may insure the lives of its officers is solved in Indiana 156 by specific authorization of such insurance. The growing demand for life insurance payable in instalments rather than in a lump sum, is recognized by Wisconsin 111, which authorizes life companies to hold the proceeds of policies in trust, with such restrictions as to revocation and exemption from claims of beneficiary's creditors as may be agreed upon in writing by the company and the policy-holder. This Act also provides that such funds so held in trust need not be segregated but may be held as part of the company's general assets.

Conservation.—Arkansas 664 makes it unlawful to waste oil or gas in drilling, producing or distributing operations, and defining what is waste. The railway commission is made the administrative authority.

An extremely interesting section meets a need which has been frequently found in the oil-fields of limiting the amount of oil which can be drawn from a common source of supply by individual wells. It applies, however, only to gas and apportions production among the owners of wells "from common source of supply," when possible production is "in excess of the market demands." Certain purchasers of natural gas are made "common purchasers" and required to buy all gas offered for sale in reasonable reach of their pipes.

Police Legislation.—A difficulty in administering State laws forbidding purchase or possession of revolvers and other small weapons without a permit, and compelling dealers to keep a record of sales, arises from the possibility of the purchase in another State. North Carolina 106 attempts to stop one way in which such purchases can be accomplished by forbidding persons to receive from post office authorities such weapons unless they exhibit a permit. Whether a State can thus interfere with the United States mail is a question. Idaho 129 calls attention to another interesting case of a federal standard in a national interest, by adopting the Federal Migratory Bird Treaty Act and the regulations thereunder as the standard for taking and killing migratory birds in the State. Another pistol Act is Hawaii 156, which logically extends the Pistol Act limitations to pistol and revolver ammunition. Connecticut 252, a general pistol law, requires permit for possession or sale. Statewide permits may be issued by the Superintendent of State Police. North Dakota 266 substitutes a new law for its old Pistol Act and provides a sanction by making it a felony to commit or attempt to commit a crime when armed with a pistol for which the criminal did not have a licence.

The anti-tobacco wave is not mounting higher, to judge by the action of this year's legislatures. Utah has apparently changed her mind about cigarettes and decided to divide the profit of selling them instead of absolutely prohibiting their use. Chapter 52 permits the sale of cigarettes and cigarette papers on licences from local authorities issued on payment of fees and also taxes the cigarettes sold, for the benefit of the State Treasury. Idaho 5 repeals the law requiring vendors of tobacco or cigarettes or cigarette papers to obtain a State licence for the sale of same and making it a misdemeanour to sell in violation of the provisions of the Act. South Dakota 123 provides for issuing of yearly permits to dealers in cigarettes and cigarette papers, issued after a bond has been filed conditioned upon faithful observance of the law. Persons violating this Act or maintaining a place where cigarettes or cigarette papers are sold in violation of the Act are guilty of maintaining a nuisance which may be abated. There is also a tax laid upon the sale of cigarettes and cigarette papers.

A much criticized practice is made criminal in two States. Connecticut 48 prohibits the sale or attempt to sell tickets of admission to any place of public amusement or any performance or any athletic contest "given in this State under the auspices of an educational institution at a price greater than that printed thereon or fixed for admission." The sale of each ticket is made a separate offence. New Jersey 71 makes it a misdemeanour to sell, offer to sell, or to have in one's possession with intent to sell, tickets to places of public amusement within the State at a price in excess of that printed upon the face of the ticket.

Rhode Island 234 sets up a system of mothers' pensions and so does

North Carolina 260. New York extends the provisions of the Mothers' Pension Law to mothers whose husbands are permanently incapacitated and confined in institutions.

The duty of localities to keep order is made a personal matter for the taxpayers by New Jersey 147. That statute is an Act to suppress mob violence to the person or property of anyone supposed to be guilty of violation of law or exercising correctional or regulative powers over any person without lawful authority. It gives to the person whose property is materially damaged an action against the county or city in which such injury is inflicted to the extent of $5,000, and in case of the killing of the individual his surviving dependents may sue for like amount. Kansas 79 amends the law granting compensation to persons injured by mobs by defining a mob as five or more persons and allowing cities and towns to show in evidence in mitigation of damages that they used due diligence and care to prevent destruction of property or injury to life or limb.

Eugenics appears in Montana 164 which provides for sterilization of inmates of custodial institutions who are insane, feeble-minded, idiots or epileptics. Medical opinion is required and a hearing before a board is assured from which an appeal may be made to the Court.

Education.—Probably the most noticeable tendency in this year's legislation relating to education is the increased emphasis which is placed upon instruction in the fundamental principles of State and Federal Government. New Jersey 17, Utah 4, Oregon 7, Massachusetts 222, California 176, and Pennsylvania 223 require courses on the United States Constitution to be given in the public and private schools of the State, while Nevada 182, Georgia H. B. 9, New Hampshire 47 and Tennessee 17 require instruction as to State and Federal constitutions. Minnesota 291 provides for regular courses of instruction in the Declaration of Independence and the Constitution of the United States, and North Carolina 49 requires courses in Americanism to be taught, to include respect for the national anthem and flag, and the Federal and State Constitutions. Michigan 124 provides for special courses of instruction for aliens and native illiterates over eighteen in the English language and the principles of State and Federal Governments. Oregon 39 requires that school books be chosen which adequately stress the services rendered by the fathers of our Government, and forbids the use of textbooks which belittle or undervalue their services.

There seems to have been a general movement in restricting the activities of religious and private schools. Nevada 184 requires that private schools maintain the same educational standards as public schools and submit to the Superintendent of Public Instruction, at his request, reports as to progress being made. Connecticut 166 requires that all schools conduct their courses in English. Oregon 11 renders a public school teacher wearing the dress of the religious order or sect while teaching liable to suspension, and another Oregon Act 1, an initiative measure, puts a complete ban upon attendance at private or parochial schools. South Dakota 167 makes a concession to religious education by excusing children from school for an hour per week to receive religious instruction.

A forward step is taken by Wisconsin 298 in providing for instruction in the hygiene of the body and symptoms of disease.

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